

EU
ANNUAL
REPORT ON
**HUMAN
RIGHTS**



SUOMI 99
FINLAND



European Initiative
for Democracy
and Human Rights

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1. INTRODUCTION: MAKING HUMAN RIGHTS A REALITY

Human rights and the recognition of human dignity are the foundations of freedom, justice and peace in the world. This is the wisdom of the Universal Declaration of Human Rights, to which the European Union is deeply committed. The present Report, the first of its kind, covering the period from 1 June 1998 to 30 June 1999, intends to explain how the Union's headway towards integration is paralleled in the field of human rights. In a world where the rights of women, men and children continue to be violated daily, the Union's commitment to human rights is continuously being translated into action.

In presenting this Report, the Union would like to contribute to a better understanding of the motives and institutional structures and policy instruments of the Union. This Report therefore explains who the actors of the Union's human rights policies are, and looks at their goals, methods and activities. In doing so, the Report aims to enhance the transparency of the Union's human rights policies. If the report is perceived as another step towards open dialogue with an interested public, and with public authorities within and outside the Union, then it will have achieved one of its major purposes.

The Report concentrates on the EU's external relations. However, the picture would not be complete without at least making a reference to EU action related to developments in the EU area. Therefore, an introspective look at one specific theme will be included. In this edition, the theme viewed more closely from this perspective is racism.

At the United Nations World Conference on Human Rights held in Vienna in June 1993 the international community reconfirmed its conviction that all human rights are universal, indivisible, interdependent and interrelated. The Union is firmly committed to this principle. It enshrines the mandate for all Governments to make all human rights a reality for all people, through protective and promotional activities encompassing all policy areas. The World Conference also reconfirmed that the protection and promotion of human rights is a legitimate concern of the international community. The Union for its part promotes human rights in its bilateral relations with third countries and takes up human rights violations wherever they occur. In so doing, the Union is aware that human rights policy begins at home.

TREATY ON EUROPEAN UNION, ARTICLE 6

1. The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.

2. The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.

The Union is a community of shared values. The Treaty on European Union, as amended by Amsterdam, clearly states that human rights figure among the principles common to all the Union's Member States and on which the Union is founded. But human rights are not foreign to any culture. They are native to all nations and inherent in all individuals. The universality of human rights as confirmed in the Universal Declaration on Human Rights and subsequent human rights instruments and as reaffirmed in the Vienna Declaration and Programme of Action is beyond question. The Union stands ready to strengthen that framework together with others, in a spirit of partnership, but rejects exemptions from human rights standards based on national, cultural or religious considerations. Cultural diversity, which the Union welcomes and promotes, vividly illustrates the richness of the human family, which is one in its common

aspirations for human dignity and a life free from fear and want.

The human being is at the centre of the Union's policies. Making human rights a reality is a never-ending challenge. Policies designed to meet this challenge derive their urgency from the insight, backed by experience, that human rights are integral to peace and security, economic development and social equity. The Union therefore welcomes, and promotes, the growing international trend towards integrating the promotion of human rights, democracy and the rule of law into development co-operation, trade policies, and the promotion of peace and security. Many efforts are made to this end by international organisations, and they are thus an important forum for the Union's human rights policies.

It is becoming ever clearer that Government action in tackling existing challenges greatly benefits from dialogue and co-operation with civil society, and the Union is therefore committed to strengthening this relationship further. The Union is also aware of the important role that education and the media can play in promoting human rights awareness and tolerance. At the same time, the Union pays tribute to the acts of courage by thousands of women and men throughout the world who have fought to promote, protect and defend human rights, often paying a heavy toll.

Human rights policies must address the situation of human beings comprehensively. For example, implementing rights such as the right to education, health and social security contributes to the enjoyment of civil and political rights as well. Conversely, promoting economic, social and cultural rights through open public debate requires, inter alia, freedom of speech and association, and the existence of political parties and trade unions. Also, all human rights – whether civil and political, or economic, social and cultural – share many common denominators. For these reasons, the Union subscribes to the interdependence and indivisibility of all human rights and rejects efforts to limit the enjoyment of one set of rights on the pretext that priority attention must be given to another.

This Report does not answer every question, nor does it pretend to do so. It is only one element of accountability. This Report intends to foster an understanding of the Union's human rights policies, to encourage dialogue with all interested parties, and to stimulate broad-based commitment to the global task of protecting and promoting human rights.

2. 1998 - HUMAN RIGHTS YEAR

The year 1998 was marked by the 50th Anniversary of the adoption of the Universal Declaration of Human Rights. At the same time, five years after the World Conference on Human Rights, the international community reviewed the progress made in the implementation of the Vienna Declaration and Programme of Action adopted at that Conference. Human Rights Year 1998 provided a framework for the international community to take stock and to redouble efforts to implement human rights in all countries of the world, including through a further strengthening of the global system for the promotion and protection of human rights and enhanced efforts at national level. On the occasion, the European Union embarked on a process of reviewing their human rights work and policies as well as to re-inforce their contribution to the strengthening of the international system for the promotion and protection of human rights.

On 10 December 1998 the EU issued in Vienna a Declaration on the occasion of the 50th Anniversary of the Universal Declaration of Human Rights (*cf. Annex*). The Declaration reaffirmed that the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law. The Declaration expresses the human rights concerns of the Union and provides guidance and proposes concrete steps to further strengthen the central role of human rights in the work of the Union: internally, in its relations with third countries, and in order to actively support the promotion and protection of human rights in multilateral fora.

The EU also initiated also a research project on human rights and the Union. The final report of the project ("Leading by example: A Human Rights Agenda for the European Union for the Year 2000") drawn up by a Comité de Sages was presented at a conference held in Vienna on 9 and 10 October 1998. Countries candidates for accession to the European Union were also represented at the conference.

An important result of the efforts in connection with Human Rights Year 1998 was the decision of the EU to present an annual human rights report. A number of special measures were taken in order to facilitate and enhance the human rights work of the Union: in particular, guidelines on the abolition of the death penalty, on election monitoring and on human rights reporting were adopted. Special attention was paid by the Union in all its activities to realizing the rights of the child and to ensuring coherent and comprehensive EU policies in this regard.

Throughout 1998 the EU participated actively in the work of international organisations concerned with human rights. An important outcome of the Vienna+5 review was the adoption of Agreed Conclusions of ECOSOC on the integrated follow-up to the World Conference on Human Rights. This document firmly establishes the concept of mainstreaming human rights in all aspects of the work of the United Nations and endorses the work of the High Commissioner for Human Rights, in particular on the field level. A major achievement of Human Rights Year 1998 is the adoption without a vote of the UN Declaration on the Rights and Responsibilities of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms ("Declaration on Human Rights Defenders", see chapter 3.3.1).

The EU believes that the struggle for the fulfilment of the commitments of the Universal Declaration must be continued and intensified beyond the human rights year. We should ensure such follow-up in partnership - between governments and civil society, among governments and international organisations, and between civil society in the EU and in third countries. The UN - alongside regional organisations such as the Council of Europe - will continue to play a central role in this regard: as a forum for dialogue and for further improvements of international standards; as a forum for scrutiny of the human rights performance of Member States, and for assisting countries to live up to their human rights obligations.

3. HUMAN RIGHTS IN THE EUROPEAN UNION

3.1 Legal Sources

The Treaty of Amsterdam brought several new provisions relating to human rights and thus strengthened the basis for EU action in this field, also in the Common Foreign and Security Policy.

According to Article 2 of the Treaty on European Union (TEU), one of the objectives of the Union is to "*strengthen the protection of the rights and interests of the nationals of its Member States*" and to "*maintain and develop the Union as an area of freedom, security and justice*". The Treaty also states in Article 6 (1) that the European Union is "*founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States*". According to the same provision, the Union is bound to "*respect fundamental rights, as guaranteed by the [Council of Europe's] (...) Convention for the Protection of Human Rights and Fundamental Freedoms (...) and as they result from the constitutional traditions common to Member States, as general principles of Community law*". Following the entry into force of the Treaty of Amsterdam, Article 6(2) of the TEU is subject to the jurisdiction of the Court of Justice with regard to actions of the institutions, in so far as the Court has jurisdiction under the Community Treaties and under the Treaty of Amsterdam. As explained in chapter 4.2.5, the EU has included the human rights clause in treaties with third countries. These clauses are binding on EC Member States and form part of

Community law.

The Treaty establishing the European Community, as amended by the Treaty of Amsterdam, specifically empowers the Community to take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation (Article 13); it also contains a provision on measures concerning asylum, refugees and immigration (Article 63). Conscious of the European Social Charter and the Community Charter on Basic Social Rights of Workers, it defines aims and certain Community powers in the field of employment, working conditions and social protection (Article 136). With regard to development cooperation, the Treaty establishing the European Community (Article 177) states that "*Community policy (...) shall contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms*". Also, any Member State violating human rights in a "serious and persistent" way can face suspension of some of its rights under the Treaties.

All Member States are subject to supervision by the Council of Europe's Strasbourg-based European Court of Human Rights as well as the European Social Charter, the Committee of Independent Experts of the Social Charter and the European Committee for the Prevention of Torture.

In addition, at the meeting in Cologne in June 1999, the European Council decided that a Charter of the fundamental rights guaranteed in the Union should be established in order to make their overriding importance and relevance more visible.

3.2 Enlargement

Article 49 of the TEU spells out that accession is only open to states that respect the principles set out in Article 6(1) and are thus committed to the protection of human rights.

The European Council meeting in Copenhagen in 1993 formulated political criteria to be met by countries applying for membership of the European Union. It stated that '*membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.*'

On the basis of these criteria, the Commission assessed the requests for membership of the ten candidate countries of Central and Eastern Europe in its Opinions presented in the framework of Agenda 2000 in July 1997. The Commission also reviewed progress achieved by the eleven candidate countries (ten countries of Central and Eastern Europe and Cyprus) and by Turkey in its regular reports. In these reports, attention is paid both to democratic systems of governance, the rule of law, the rights of minorities and civil and political rights, and to economic, social and cultural rights.

In the context of enlargement, the candidate countries are expected to address the issues presented in the Commission's Opinions and Regular Reports and to implement the priorities set out in the Accession Partnerships.

In the '*Accession Partnerships*' of March 1998 for the ten candidate countries of Central and Eastern Europe, priorities are set for these countries, in the light of the analysis made by the Commission in its Opinions. Priorities related to the fulfilment of the political criteria of membership are identified in most Accession Partnerships.

The Commission will make a further review of the progress made by each of these countries in its *Regular Reports* to be produced in autumn 1999, which will include a full evaluation of preparations to meet the Copenhagen political criteria. The priorities in the Accession Partnerships will be revised accordingly.

On accession to the Union, new Member States will be bound by the principles of the Treaty, which refer *inter alia* to respect for human rights and fundamental freedoms.

3.3 EU institutions

At Union level, respect for human rights is secured by the European Parliament and the Ombudsman, the Commission, the Council of Ministers and, in particular, by the Luxembourg-based European Court of Justice. As in many other areas, the Court's long-standing case-law has been the centre-piece and an important driving force for the development of the Union's human rights framework. The main responsibility for the protection and promotion of human rights rests, however, with the Union's Member States.

Member States' Governments are also accountable to international monitoring mechanisms, particularly within the framework of the Council of Europe, the Organisation for Security and Cooperation in Europe and the United Nations, with whom they readily co-operate.

Anyone interested in specific human rights issues in a particular Member State of the Union should consult relevant national governmental, parliamentary or non-governmental sources. However, purely *national* situations, actions or institutions are not the focus of this Report, which rather deals with actors, policies and actions at *Union* level.

Court of Justice

The European Court of Justice in Luxembourg ensures compliance by Member States and the EU institutions with the Treaties. Member States and the EU institutions as well as individuals can bring matters pertaining to Community law before the Court. The rulings given by the Court are binding. Since 1989 there has been a Court of First Instance attached to the Court of Justice, with jurisdiction to hear direct actions including cases brought by individuals, and here also human rights can play a role.

Although the EEC Treaty originally contained no specific clauses on human rights, the Court of Justice has consistently recognized that fundamental rights form an integral part of the Community legal order, thereby ensuring that human rights are fully taken into account in the administration of justice. This case-law of the Court was gradually built up from 1969 onwards, by referring to the constitutional traditions common to the Member States and to international treaties for the protection of human rights on which Member States have collaborated or which they have signed. In this regard, the Court has stated that the European Convention for the Protection of Human Rights and Fundamental Freedoms has special significance. The Court's case law is now reflected in Article 6 of the Treaty on European Union.

The case-law of the Court has confirmed that the obligation to respect fundamental rights applies both to EU institutions and to Member States in the area of Community law.

The European Parliament

Together with the Council and the Commission the European Parliament (EP) is an important participant in making and implementing the EU's Human Rights policy. Throughout the years the EP has taken a leading role in keeping human rights at the forefront of the EU agenda. This is in large part due to the specific role of the EP as well as to the strong interest traditionally taken in human rights matters by the EP and many of its individual members. The powers of the Parliament have gradually been increased,

notably through the entry into force of the Maastricht Treaty and the Amsterdam Treaty. The EP has become an important forum for discussion on human rights and

maintains regular contact with human rights organisations and human rights defenders. The EP has influence in treaty-making processes with third countries. This has often implied placing emphasis on issues related to human rights. It also undertakes human rights missions to countries outside the EU and publishes reports on specific human rights situations as well as thematic issues. The EP also adopts resolutions and issues declarations in matters related to human rights and submits questions to the Council and the Commission. An important example is the EP Declaration on Fundamental Rights and Freedoms.

The European Parliament (EP) has 626 members who are elected directly by the citizens of Member States. Meetings of the Parliament are convened in Strasbourg and Brussels.

Several other Committees also address human rights issues. The Committee on Foreign Affairs and the Committee on Development Cooperation both deal with human rights issues outside the EU and in the EU's external policy. Human rights issues within the Union are dealt with inter alia by the Committee on Civil Liberties and Internal Affairs, the Committee on Legal Affairs and Citizens Rights and the Committee on Women's Rights.

The Presidency of the Council of the EU consults the EP on the main aspects and the basic choices of the common foreign and security policy and ensures that the views of the EP are duly taken into consideration. The EP is kept regularly informed by the Presidency and the Commission of the development of the Union's common foreign and security policy.

Each year the EP awards an individual or organisation the 'Sakharov Prize' for freedom of thought. In 1998 the prize was awarded to Ibrahim Rugova. In Human Rights Year 1998, the EP took the initiative of calling for a 'Millennium Amnesty' for prisoners of conscience before the year 2000.

3.4 Civil Society, Human Rights Defenders

Progress in implementing human rights is based on interaction between governments and civil society. The international community increasingly acknowledges the dynamic link between the two spheres. The Union has a tradition of co-operating with its active and well-established NGO community. NGO involvement in European efforts to combat racism and xenophobia is just one example. Furthermore, various national institutions in the area of human rights exist in the EU Member States.

Under the current Finnish Presidency, a Human Rights Discussion Forum bringing together representatives from NGOs, European institutions, Governments and the academic world aims to deepen co-operation between the various actors and contribute to strengthening the EU's human rights policy.

At a worldwide level, individuals or groups engaged in the defence of human rights or in practical project work continue to suffer the hardships of persecution. This is why the Union was a driving force in making the cause of *human rights defenders* a main theme of the 50th anniversary celebrations of the Universal Declaration of Human Rights. After thirteen years of negotiations, this led – first on 4 March 1998 in the Working Group and in the 54th Commission on Human Rights, then on the occasion of the 50th anniversary of the UDHR in the UN General Assembly – to the adoption of the "UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms" (Declaration on Human Rights Defenders). During the 55th Commission on Human Rights (April 1999) the Union publicly called on States to build on the commitment given in the Declaration to protect human rights defenders; in this context the Union indicated its readiness to support the creation of a Special Rapporteur on Human

Rights Defenders.

The Union seeks to strengthen the position of NGOs in international organisations, where the Union defends established NGO access rights, and in third countries, where the Union makes efforts to enhance the role of civil society and NGOs as participants, promoters and beneficiaries in democratization and development processes. The Union provided extensive support to NGOs and the strengthening of civil society in different parts of the world. The instruments used for this purpose are described in more detail in chapter 4.3.

3.5. Human Rights challenges in the EU: Racism and Xenophobia

Although this Report concentrates on the EU's external relations, a chapter is devoted to the challenges in the EU. In this edition, EU action with regard to racism is looked at. Among the EU's shared values also figures the firmly held belief that diversity is one of the foundations on which the European Union has been built. Racism, xenophobia and intolerance are the antithesis of what the European Union means in its essence. The defence of the basic principle of non-discrimination is at the centre of our understanding of human rights.

The EU is acutely aware that racism, xenophobia and intolerance exist within its Member States. The EU is committed to fighting these phenomena, both through national policies of the 15 Member States and through action at Community level.

The commitment of the EU to curbing racism and related intolerance was reflected in numerous activities in all Member States by governments and NGOs during the European Year Against Racism in 1997. The most visible outcome was the establishment of the European Monitoring Centre on Racism and Xenophobia situated in Vienna. Its prime mandate is to provide and analyse objective, reliable and comparable data and best practices on racism, xenophobia and anti-Semitism in EU Member States. The Centre has established a network of information on racism (RAXEN) that can be utilized by NGOs and academic experts. As problems encountered in the various Member States often have many common denominators, enhanced possibilities of circulating comparable data will create room for more efficient action against racism.

Another focus of activity of the Centre is the organizing of Round-Table seminars in the Member States aimed at increasing the visibility and interaction between the actors in this field. The Centre can also contribute to developing EU action in the area of combating racism. It is expected to play an important role in EU preparation for the forthcoming UN World Conference against Racism.

Another important outcome of the European Year against Racism is the activation of new partnerships and networks between the different actors in the struggle against racism. The most active one is a European NGO network against racism.

The Amsterdam Treaty specifies the Union's powers in combating racism. In December 1998, the European Commission presented its ideas about a legal framework for non-discrimination in the EU and also announced its intention to present this year anti-discrimination legislation under the Amsterdam Treaty provisions. At the request of the European Council (Vienna, December 1998), the European Commission has also elaborated proposals for measures to counter racism in the candidate countries. In addition, monitoring through the European Commission against Racism and Intolerance of the Council of Europe also exists.

Article 13 of the new Treaty offers a huge opportunity for promoting fundamental rights and fighting discrimination. Legislative procedures with this goal will be initiated as soon as possible. Firstly, a directive to combat discrimination on all Article 13 grounds other than sex as regards employment and occupation. Secondly, a proposal for a directive to combat discrimination on grounds of racial and ethnic origin which goes beyond the labour market to deal with the most common areas of discrimination in society within the limits of the powers of

the Community – social protection and social security, social advantages, education, access to and supply of goods and services, cultural activities and sports. This second proposal takes account of the experience of the Community during the European Year against racism and, in particular, of the strong political will which exists to combat as many aspects as possible of racial discrimination. The last part of the package will be an action programme to support and complement these legislative proposals.

The Commission drew up in 1998 a comprehensive action plan for combating racism across the European Union. The plan will mainstream the fight against racism into all policies and programmes of the EU, it will support pilot projects and networks which show innovation in combating racism and it will strengthen information and communication activities.

In the EU Communication of 26 May 1999, the Commission gave an overview of measures which can contribute to countering racism, xenophobia and anti-Semitism in the candidate countries. The document was forwarded to the European Council meeting in Cologne on 3-4 June 1999.

4. EU ACTION ON HUMAN RIGHTS IN INTERNATIONAL AFFAIRS

4.1 Introduction

The European Union's international action for the promotion and protection of human rights is based on a mix of instruments, both in its Common Foreign and Security Policy and in its external relations, including development cooperation, covered by the EC Treaty. Article 3 and Article 13 of the Treaty on European Union (TEU) provide that the Union is to ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies. The Council of the EU and the European Commission are responsible for ensuring such consistency and cooperate to this end.

On 1 May 1999 the Treaty of Amsterdam entered into force. One of the Treaty's main aims is to make the external policies of the Union more coherent, effective and visible in promoting peace, prosperity and stability in the world. Provisions to that end include strengthening the role of the European Council (Heads of State and Government), including through defining common strategies; establishing the Secretary-General of the Council as High Representative for the Common Foreign and Security Policy (on 3-4 June 1999, the Cologne European Council designated Mr. Javier Solana as Secretary-General of the Council and High Representative for the CFSP); streamlining decision-making by greater recourse to qualified majority voting; and making it possible to conclude international agreements on CFSP matters. A Policy Planning and Early Warning Unit will also be created in the Council Secretariat. Such provisions are expected to reinforce the EU's international presence, visibility and effectiveness, including in the field of human rights.

The development and consolidation of democracy and the rule of law, as well as respect for human rights and fundamental freedoms feature among the key objectives of the EU's Common Foreign and Security Policy (Article 11 of the TEU). Similarly, the promotion of democracy, the rule of law and human rights and fundamental freedoms is one of the objectives of the Union's action in development cooperation (article 177 of the TEC).

The EU is working on the reinforcement of its human rights actions and instruments: in the Vienna Declaration of 10 December 1998 it identified avenues to reinforce its capacity to achieve its objectives in this area (see part 2 of this Report).

The EU maintains systematic coordination on human rights issues in the framework of the Common Foreign and Security Policy, in particular in the Council's 'Human Rights Working Group' (COHOM), which is composed of human rights experts from Member States and the Commission, as well as in the regional working groups. These groups report to the EU's

Political Committee (Political Directors) and via the Committee of Permanent Representatives to the Council of Ministers. Human rights related issues regularly come up also in the framework of development cooperation, trade, in committees dealing with the implementation of the relevant budget chapters as well as in the context of asylum and migration issues.

In addition, the EU seeks as a general aim to include the human rights dimension in relevant fields of EU policy. For instance, the EU Code of Conduct on arms exports, agreed in June 1998, reinforces the criterion of respect for human rights in the country of final destination. Respect for human rights is one of the elements of, i.a., conditionality in the EU's strategy for its relations with Western Balkan countries (Albania, Bosnia and Herzegovina, Croatia, FRY, FYROM). In the framework of the EC's scheme of generalized tariff preferences, respect by third countries for international labour standards, including on child labour, is an important criterion for the Union. A further example is the EU's approach to terrorism, in which it insists that an unremitting and uncompromising struggle against terrorism is and should at all times be compatible with human rights and fundamental freedoms.

The EU addresses human rights situations and promotes human rights principles through a variety of instruments and actions, which are described below.

4.2 EU instruments and initiatives

4.2.1 Common strategies, common positions, joint actions

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

Common Strategies:

Common strategies are a new instrument created by the Amsterdam Treaty. Their aim is to enhance the overall coherence of the Union's international action. They are agreed at European Council level (Heads of State and Government), to be implemented by the

Union in areas where the Member States have important interests in common. They are adopted unanimously, but foreign and security policy decisions taken on the basis of common strategies, including joint actions and common positions, are to be adopted by qualified majority voting. Common strategies may cover issues of all three pillars of the EU.

The EU's first common strategy is devoted to Russia. It was agreed by the Cologne European Council in June 1999 and the consolidation of democracy, the rule of law and civil society is one of its main objectives.

Common positions:

Common positions define the approach of the Union to a particular matter of general interest of a geographical or thematic nature. Member States must ensure that their national policies conform to the common positions.

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

Reacting to the extreme and criminally irresponsible policies and the massive violations of human rights in Kosovo by the authorities of the Federal Republic of Yugoslavia, the

EU imposed a number of restrictive measures against the FRY through a series of common positions and implementing decisions.

It also supported democracy and freedom of expression in the Federal Republic of Yugoslavia by defining a common position on restrictive measures (visa ban) against persons acting against independent media in that country (December 1998).

The EU defined a common position on human rights, democracy, the rule of law and good governance in Africa in May 1998, which it reviews every six months. In the common position, the EU sets out principles and a framework for its action and the action of Member States. A key aspect is the principle that the Union, working with both governments and civil society on the basis of partnership and cooperation, shall consider increasing its support for African countries in which positive changes are engaged towards respect for human rights and democratic principles. Where changes are negative, it shall consider the appropriate responses that could help reverse those developments.

In the latest six-monthly review of the common position (May 1999), the Union recalled that human rights and democratic principles were key criteria and objectives in a number of cooperation agreements between the EU and African countries, in particular the revised Lomé Convention, and listed actions taken by the Union in the past six months to promote respect for human rights and democracy.

In November 1998 the EU repealed some of the sanctions it had imposed against Nigeria in 1995 following the human rights violations perpetrated by the military regime. It lifted the remaining restrictive measures in May 1999 in view of the fact that the conditions it had laid down had been met, with the establishment of a democratically elected civilian President and the formation of a civil government.

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

In view of the further deteriorating human rights situation in Burma/Myanmar, the Union reinforced its common position of 1996 by agreeing on additional restrictive measures against the authorities of that country (October 1998) and prolonging the validity of the common position in April 1999.

The Union made the promotion of respect for international humanitarian law and human rights, including the rights of women and children, one of the central elements of its 1998 common position on Afghanistan, revised in January 1999.

Joint Actions:

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

Through a joint action, the EU notably supported the democratic process in Nigeria by providing technical assistance for the preparation of the February 1999 elections and sending a contingent of 100 EU observers within the framework of the international monitoring mission coordinated by the United Nations. The EU Presidency also appointed an EU spokesperson responsible for the joint EU-UN declarations on the elections.

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

Through joint actions, the EU supports the peace implementation structures in Bosnia and Herzegovina, as well as the election processes in that country. It co-funds, to the tune of about 50%, the Office of the High Representative, whose task includes the consolidation of democracy and human rights in Bosnia and Herzegovina. It provided contingents of supervisors and observers in the framework of the electoral operations carried out, most recently in autumn 1998, under the auspices of the OSCE.

4.2.2 Demarches / Declarations

Demarches to the authorities of third countries and press declarations are also important instruments of the EU's foreign policy. They are widely used to convey human rights related concerns and to seek remedy to situations. Demarches are usually carried out, sometimes in a confidential manner, in "Troika" format, or by the Presidency.

In addition, the EU can make public declarations calling upon a government or other parties to respect human rights, or welcoming positive developments. These statements are made by the Presidency on behalf of the EU or, if they are agreed at a Council of Ministers meeting, by the EU as such. They are published simultaneously in Brussels (Press Service of the Council Secretariat, <http://ue.eu.int/newsroom>) and in the Presidency's capital.

4.2.3 Political dialogue

Political dialogues are important fora for the EU to discuss human rights concerns with third parties. The EU conducts political dialogue meetings with 48 countries and regional groups (see annex for details). Meetings are held at different levels, heads of State and government, ministerial, senior officials or experts, and take place on a regular basis. The EU is normally represented by the Troika but some political dialogue meetings are attended by all EU delegations.

Political dialogue meetings cover a wide range of issues. Human rights are regularly included in the agenda with a view to addressing concrete human rights concerns and to urge the dialogue partner to take measures to improve the situation, as was the case in meetings with Iran and China for example. With a number of partners human rights are also discussed from the angle of fostering cooperation in multilateral fora and advancing common objectives.

A human-rights-specific dialogue: the EU - China Human Rights Dialogue and cooperation programme

Besides the general political dialogues, the EU conducts a specific dialogue on human rights with China. This EU - China human rights dialogue, which resumed in 1997, constitutes an important channel for addressing issues of concern in an open and frank manner. The EU Troika and the representatives of the Chinese government meet twice a year to address inter alia the EU's concerns with regard to developments in the human rights situation in China. Official meetings were held in October 1998 and February 1999. With the support of the European Initiative on Democracy and Human Rights, legal seminars involving representatives of the academic community and civil society are also organized in the framework of the human rights dialogue. A seminar

on women's rights was organized in October 1998 and another on the administration of justice in May 1999.

The EU is committed to developing its cooperation programme in support of the human rights dialogue with China. In 1998 it aimed at strengthening civil society in China through projects aimed notably at promoting the rights of women and disabled people as well as local democracy.

In 1998 the Chinese authorities took positive steps by signing the UN covenants on Civil and Political Rights and on Social, Economic and Cultural Rights. The Union also welcomed the visit of the UN High Commissioner for Human Rights to China. However, the severe crackdown on dissidents in December 1998, which the Union condemned on several occasions and addressed with the Chinese authorities, showed that the positive steps in the international arena were not matched by concrete progress in the human rights situation in the country.

Areas of EU concern include freedom of opinion, expression and assembly, extensive use of the death penalty, arbitrary detention and the use of labour camps, and the treatment of religious and cultural minorities. The situation in Tibet, including the "patriotic education campaign" continues to give serious cause for concern. EU Troika Ambassadors visited Tibet in May 1998 in order to make an assessment of the situation there. Through the dialogue process, the EU has also raised concerns about the lack of due processes of law in China's "reform through education" system, and the continued broad definition of crimes endangering state security. The EU has also sought retrospective action from the Chinese authorities to review the cases of those detained under the former legislation on "counter-revolutionary crimes".

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

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

The Union intends to make the human rights dialogue with China focused and more orientated towards concrete improvement in the human rights situation.

4.2.4 Action in pursuit of a specific policy: the EU guidelines on the death penalty

The universal abolition of the death penalty is a strongly held policy agreed on by all EU Member States. On 29 June 1998 the Union adopted, as an integral part of its human rights policy, 'EU guidelines' on the death penalty. These guidelines define ways to strengthen international activities by the EU in opposition to the death penalty. The guidelines are described in more detail in chapter 5.2.1.

The issue of the death penalty was taken up in bilateral contacts with a number of governments, including China, the United States, the Bahamas, Jamaica, Trinidad and Tobago, Benin, Sierra Leone, Iran, the Philippines, the Palestinian Authority and Uganda, explaining the EU's policy and urging them to take steps towards abolition of the death penalty. Furthermore, the EU intervened in many individual cases, calling for non-application of capital punishment (juvenile offenders etc.), or to review the process of law. The Union also issued several declarations on the issue of the death penalty (see annex for details).

4.2.5 The human rights clause in Agreements with third countries

Human rights clauses in EC legislation

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

Both in trade and aid relations, the EU has gradually incorporated human rights into agreements with third countries. Since the early 1990s, the EU has inserted human rights clauses in a substantial number of bilateral trade and cooperation agreements with third countries, including association agreements such as the Europe agreements, Mediterranean agreements and the Lomé Convention. A Council decision of May 1995 spells out the basic modalities of this clause, with the aim of ensuring consistency in the text used and its application. The model consists of a provision stipulating that respect for fundamental human rights and democratic principles as laid down in the Universal Declaration of Human Rights of 1948 (or, in a European context, also the Helsinki Final Act and the Paris Charter for a New Europe) underpins the domestic and external policies of the parties and constitutes an "essential element" of the agreement. A final provision dealing with non-execution of the agreement requires each party to consult the other before taking measures, except in cases of special urgency. An interpretative declaration specifies that cases of special urgency include breaches of an "essential element" of the agreement.

Since the Council decision of May 1995, the human rights clause has been included in all subsequently negotiated bilateral agreements of a general nature (excluding sectoral agreements on textiles, agricultural products, and so on). More than 20 such agreements have already been signed. These agreements come in addition to the more than 30 agreements negotiated before May 1995 which have a human rights clause not necessarily following the model launched in 1995. If the Lomé Convention is included, human rights clauses already apply to more than 120 countries.

An important reason for including this standard clause in agreements with third countries is to spell out the rights of the Community to suspend or terminate an agreement for reasons connected with non-respect of human rights by the third country concerned.

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

In this spirit, the EU also uses the mechanisms of the Lomé Convention to seek to remedy human rights and democracy related concerns. In April 1999, following the coup d'etat in Niger, the EU on 18 May 1999 held consultations with the Niger government and the ACP States in line with the provisions of Article 366a of the Lomé Convention. As a result of these consultations the Niger Government committed itself to a plan for transition to democracy. The EU will continue to closely monitor the progress towards the re-establishment of democracy and the rule of law which is a prerequisite for the full normalization of the relations between the EU and Niger. On 18 May 1999 the EU condemned the new outbreak of violence in Guinea-Bissau; great importance was attached to the respect of human rights, the rule of law and

observance of democratic principles and the EU called upon the authorities of Guinea-Bissau to respect these principles fully. The Union has been carefully monitoring developments in Guinea-Bissau. A new round of consultations is due to take place in September. Further to the condemnation of the coup of 30 April 1999 in the Islamic Republic of the Comoros, the EU also decided to hold consultations pursuant to Article 366a of the Lomé Convention with the Comorian military Government. In 1998 consultations were also held with Togo. The experience gained with the application of Article 366a is being reflected in the current negotiations for the renewal of the Lomé Convention.

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

4.2.6 Regional initiatives and partnership arrangements

The EU seeks to make human rights a component of all regional cooperation and partnership initiatives it promotes and participates in.

In the spring of 1999, against the background of the Kosovo conflict, the Union took the initiative to launch the Stability Pact for South Eastern Europe which was adopted on 10 June 1999 by a Conference in Cologne, Germany. The Pact aims at supporting countries in SE Europe in their efforts to foster peace, democracy, respect for human rights and economic prosperity, in order to achieve stability in the whole region. A "Working Table" of the Pact will specifically address democratization and human rights, including the rights of persons belonging to minorities, free and independent media, civil society building, the rule of law and good governance.

Another EU initiative in the region is the Process on Stability and Good Neighbourliness in SE Europe (known as the "Royaumont Process"), launched in 1995. It aims at developing democracy and civil society in the countries of the region and at promoting transborder contacts between the different components of civil society. The Union has appointed a Special Representative for the Royaumont Process and supports accompanying projects focusing on civil society. Royaumont will have a key role to play in the abovementioned Stability Pact.

The enhancement of human rights constitutes an essential aspect of the partnership-building measures of the Euro-Mediterranean Partnership (the "Barcelona Process").

The ASEM (Asia-Europe Meeting) provides a forum for dialogue between Asian and EU countries on a wide range of issues, including human rights. At the last ASEM session (Berlin, March 1999), Foreign Ministers in particular reaffirmed their strong determination to extend ASEM cooperation in the field of child welfare, including the fight against the sexual exploitation of children.

At the Rio summit between the EU, Latin America and the Caribbean in June 1999, human rights were an important aspect of the efforts to strengthen the community of values between these regions.

In the framework of the San José Conference, the EU encourages the efforts made towards the consolidation of democracy and good governance in Central America.

4.2.7 Election observation and assistance

Election assistance, including election observation, is an important contribution to the sustainability of democratisation processes. Over the past years, the Union has given its support for the organisation of first multiparty elections in many countries and it has sent several observation missions to different regions in the world, mainly in the framework of the leading international organisations for election observation, namely the UN and the OSCE.

In 1998 and 1999 electoral assistance and observation was provided notably to Paraguay, Togo, Bosnia Herzegovina, Cambodia, Nigeria and Indonesia. The EU gave its support to the Organisation of American States (OAS) to observe the general elections in Paraguay held in May 1998 (250.000 ECU). The EU provided assistance to Togo (2 Mio ECU) for the presidential elections which took place in June 1998. In particular the EU gave technical and financial assistance to the National Electoral Commission, and it provided media monitoring, training of people involved in the electoral process, civic education and training of national observers. The EU deployed an observer mission which considered that the elections were not free, transparent and fair and that the announced results did not reflect the will of the Togolese people. The EU decided not to resume full development co-operation with Togo, although projects in favour of the poorest continued. The EU renewed its support to the OSCE in the organisation and supervision of the elections for all the major institutions in Bosnia Herzegovina held in September 1998, allocating 5 Mio ECU for a team of EU supervisors under the aegis of OSCE and an OSCE/EU media centre. The EU gave its support to the Cambodian general elections which took place in July 1998 (10,45 Mio ECU). The EU was deeply involved in the electoral process, especially in the drafting of the electoral legal framework, in supporting the national electoral commission, in voter registration and in polling observation. The EU supported the legislative and presidential elections in Nigeria in February 1999 with a total amount of 3,2 Mio EURO. The EU gave its support to the National Electoral Commission and to the UN in its co-ordinating role, providing a technical assistant and supporting local monitors through a Nigerian umbrella NGO. The Union deployed 100 election observers. The EU provided support for the Indonesian parliamentary elections of June 1999, allocating 7 Mio EURO for a program co-ordinated with UNDP. Most of this assistance was directed towards Indonesian NGOs and electoral monitoring organisations. These groups worked on voter education, media, domestic monitoring, civic education and institutional management. The EU also provided 135 election observers.

Furthermore, EU Member States have, on a bilateral basis, co-funded and participated in observation missions organized by the UN and the OSCE. These bilateral contributions were coordinated in the EU framework.

In June 1998 the EU adopted guidelines on election observation. These guidelines, which are consistent notably with the OSCE Office of Democratic Institutions and Human Rights' own guidelines, set out the preconditions for sending EU observer missions and the factors that need to be assessed by the observer mission. They also include a code of conduct for electoral observers.

In the course of the past year, the Union has taken steps towards closer coordination of activities related to election observation. EU Seminars on election observation were held in 1999 in Seville and Stockholm and helped to identify concrete areas for further cooperation, notably on the selection of observers, training courses and a common handbook as well as the sharing of information on national rosters of electoral

observers. In June 1999 the Council adopted EU guidelines on common criteria for the selection of electoral observers.

4.2.8 Other modalities of action and field operations:

Other EU actions in the field of human rights or actions in other areas which contain a human rights dimension include the following:

Human rights monitoring is done by EU Heads of Missions in specific countries, who regularly report to EU bodies. Guidelines for common human rights country reports were adopted by the Union and revised in January 1999. The main objective of country reports is to base the EU's analysis and policy making in the field of human rights on an objective and balanced factual basis. In 1998 the EU began to make summaries of its reports concerning the Middle East Peace Process ("EU Settlements Watch", "EU Jerusalem Watch" and "EU Human Rights Watch") publicly available, inter alia on the Council's web site (<http://ue.eu.int>).

There are also EU Special Representatives for specific countries or processes, whom the Union can appoint under Article 18 of the TEU. The mandates of EU Special Representatives, such as for the Middle East Peace Process, for Africa's Great Lakes Region and for the Process on Stability and Good Neighbourliness in SE Europe, directly or indirectly include monitoring and promoting respect for human rights in their respective areas of action.

Continued monitoring of the human rights situation in the Western Balkans region is carried out by the ECMM (European Community Monitoring Mission).

Specific human rights awareness-building activities can be implemented, such as the EU-Indonesia Human Rights Workshop held in Jakarta in October 1998.

Support for human rights institutions, such as the co-financing by the Union of the Office of the Human Rights Ombudsperson for Bosnia and Herzegovina was established by the Dayton/Paris Peace Agreement. The EU has also supported human rights field missions of the OHCHR (e.g. Colombia).

4.3 Activities funded under the European Initiative for Democracy and Human Rights (chapter B7-70)

Promotion of human rights, democratization and the rule of law are part of the general principles underlying all assistance programmes financed through the EU budget such as Phare, Tacis, Meda etc. This means that other bilateral and regional programmes and budget chapters as well include activities that directly or indirectly promote respect for human rights.

One of the most noteworthy measures to give substance to the EU's commitment to protect and promote human rights was the European Parliament's 1994 initiative to bring a series of budget headings specifically dealing with the promotion of human rights together in a chapter of their own (B7-70) entitled the "European initiative for Democracy and Human Rights".

In May 1999 the Council expressed its support for streamlining the funding mechanisms in order to ensure efficiency.

The European Union recognizes the importance of the contributions made by international, regional and non-governmental organisations to civil society and to the development of a democracy that upholds civil, political, economic and social rights. It values both the expertise which many organisations working to implement human

rights possess, as well as their visibly high impact in the field of human rights. Chapter B7-70 of the EU budget has been used to fund a range of NGO initiatives.

1998 was an extremely challenging year in view of the difficulties the European Commission had to face in implementing the human rights budget headings. The decision of the European Court of Justice in Case 106/96 concerning the lack of a legal basis for the Commission's actions in the field of, inter alia, human rights led to suspending the implementation of Chapter B7-70 in June and July 1998. Implementation of the budget headings was only resumed following the interinstitutional agreement reached at the end of July. Simultaneously, the unforeseen discontinuation of external assistance provided by the European Human Rights Foundation until May 1998 hindered the smooth management of the budget headings.

Council Regulations on "development cooperation actions and other cooperation actions in third countries, which contribute to the general objective of developing and consolidating democracy and the rule of law and respect for human rights and fundamental freedoms" under Articles 235 (now 308) and 130 (now 130w) were adopted on 29 April 1999 and provide a legal basis for all human rights and democratization activities under Chapter B7-70 of the EU budget. Under these regulations a sum of 98 million Euro is allocated to finance activities in support of human rights and democracy for 1999.

During the "human rights year 1998", and against the odds described above, support was provided for very concrete projects, more particularly to promote human rights education and training and to assist the Commission in identifying priorities in the field of human rights on the eve of the new millennium. For example, the European Master's in Human Rights and Democratization aims to educate professionals on the basis of an action and policy-oriented approach. The importance of the Master's was confirmed in the EU Declaration made in Vienna on 10 December 1998 concerning the reinforcement of EU action in human rights.

4.3.1 Overview of initiatives financed in 1998 through chapter B7-70

The following overview presents the budget headings that were created under the European Initiative for Democracy and Human Rights mentioned above.

Support for democracy in the countries of Central and Eastern Europe, including the Republics formerly part of Yugoslavia
(B7-700) 15 million Euro - 28 projects

Support for democracy in the New independent States and Mongolia
(B7-701) 8 million Euro - 9 projects

Human rights in developing countries, in particular ACP countries
(B7-702) 19.7 million Euro - 45 projects

Human rights and democracy in Southern Africa
(B7-7021) 2.3 million Euro - 7 projects

Special Programme for democracy and good governance in Nigeria
(B7-7022) 3 million Euro - 9 projects

Democratization process in Latin America
(B7-703) 12.6 million Euro - 1 pluriannual program

Subsidies for certain activities of organisations pursuing objectives in support of human rights objectives
(B7-704) 14.7 million Euro - 49 projects

Meda program for democracy and human rights (Mediterranean region)
(B7-705) 10 million Euro - 50 projects

Support for the activities of international criminal tribunals and for the setting up of the International Criminal Court
(B7-706) 2 million Euro - 5 projects

Human rights and democracy in Asian countries
(B7-707)
* Activities in China 2.5 million Euro - 6 projects

Support for, and supervision of, electoral processes
(B7-709) 2 million Euro (no projects funded)

4.4 EU action in International fora

Article 19 of the Treaty on the European Union stipulates that Member States coordinate their actions in the framework of international organisations and international conferences and that they uphold common EU positions. In this context the EU aims at the strengthening of supervisory mechanisms and the promotion of the actual implementation of human rights as well as coordinated participation in further standard-setting.

Coordination of EU positions with respect to international fora is done on a regular basis and in different bodies, including in Council working groups and on the spot.

4.4.1 United Nations

The EU attaches great importance to the work of the United Nations and is committed to cooperating with the UN human rights mechanisms, including Special Rapporteurs and Representatives as well as Treaty bodies. Our common goal is the full and unconditional implementation of human rights and fundamental freedoms by all States in accordance with the Charter and other international instruments.

The year 1998 marked the 50th anniversary of the Universal Declaration of Human Rights, which constitutes the foundation of the UN system for human rights protection. Over the years, important steps have been made to bring human rights and fundamental freedoms to the centre stage of the international arena, notably through the creation in 1994 of the position of the United Nations High Commissioner for Human Rights. The EU is committed to close cooperation with the present UN High Commissioner for Human Rights, and will continue to act towards achieving the UN Secretary General's objective that human rights be "at the heart of every aspect of UN work".

EU coordination in the UN is becoming ever closer, a trend reflected by the fact that EU Member States voted jointly on 98% and 95% of issues put to a vote in the 1998 UNGA Third Committee and the 1999 Commission on Human Rights respectively.

Third Committee of the UN General Assembly

During the 53rd session of the General Assembly, the Third Committee focused on the "Human Rights Year 1998" and commemorated the 50th anniversary of the Universal Declaration of Human Rights. On that occasion, the fundamental role of the Universal Declaration and the universality of human rights were highlighted. A major achievement was the adoption of the Human Rights Defenders Declaration, an initiative strongly supported by the EU. The EU further co-sponsored a resolution on the need to increase the resources for the Office of the High Commissioner for Human Rights.

The Austrian Presidency, on behalf of the EU, presented a statement on country situations. The EU initiated country resolutions on the human rights situations in Iran, Iraq, and the Democratic Republic of Congo, which were all adopted, and negotiated a Chairperson's text on Nigeria. The EU actively participated in negotiations on all other country resolutions. Certain EU Members, in their national capacity, took initiatives on Burma/Myanmar and Afghanistan respectively.

The EU was also active in the field of thematic initiatives. Together with the group of Latin American countries (GRULAC), it took the lead on the resolution on the rights of the child. New elements were introduced to reinforce the text, notably on children in armed conflicts, the sexual exploitation of children through the Internet and child labour. EU Member States, in a national capacity, presented resolutions on torture, executions, disappearances, the human genome, regional arrangements and religious intolerance. In addition, the EU was involved in many other negotiation processes on thematic issues, including the resolution on racism.

The EU made several interventions in the Third Committee on thematic issues and on related plenary items, including the advancement of women and the follow-up to the Beijing World Conference, refugees, rights of the Child, racism and self-determination, human rights instruments and the five year review of the 1993 Vienna Declaration and Programme of Action on Human Rights. In addition, explanations of vote or position were made on a number of country and thematic resolutions.

The EU took the initiative to have in-depth discussions with the Special Rapporteurs and Representatives (both thematic and country-specific). This provided an excellent opportunity to raise substantive issues and to exchange useful information.

Increased coordination efforts by Member States at the Third Committee resulted in a high degree of agreement within the EU on a large number of initiatives. More resolutions were co-sponsored by all fifteen. The EU also took a common position when forced to vote on Right to Development. Regular meetings were held with the Associated countries and with other like-minded partners.

55th Session of the Commission on Human Rights

The EU actively participated in the 55th session of the Commission on Human Rights in Geneva (March-April 1999), which is considered the most important forum on human rights in the framework of the United Nations. Highlights of the 55th session were the broad support for the resolution on human rights in Kosovo presented by the Organisation of the Islamic Conference, the African initiative on the World Conference on Racism and the EU initiative on the death penalty. While the overall results of the 55th session were positive, many substantial challenges and political difficulties remain. The EU believes that the Commission on Human Rights should continue to address concrete cases of human rights violations wherever they occur. Another priority for the future is strengthening the role of the High Commissioner on Human Rights, as a key instrument for promoting respect for human rights in the international community. One of the main concerns for the EU is the trend towards diverting the attention of the CHR

to issues which are better dealt with in other intergovernmental bodies. Some complex and recently debated issues within the Commission, such as globalization, duties and responsibilities, democracy and bioethics will pose challenges for the future. The question of reviewing human rights mechanisms was one of the most debated issues during the CHR. The Commission reached an agreement to set up an inter-sessional Working Group to present findings to the next Commission in the year 2000.

Intensive EU coordination resulted in a large number of EU initiatives as well as agreed EU positions on initiatives by third parties. The Union also had frequent and regular meetings with other countries or regional groups before and during the 55th session of CHR. Cooperation with the associated countries was significantly expanded.

The Union initiated country resolutions on Iran, Iraq, Israeli settlements, Burma/Myanmar, the Democratic Republic of Congo as well as, for the first time, on Sudan. All these resolutions were adopted. The EU also negotiated consensus Chairperson's statements on Colombia and East Timor. Germany's Minister for Foreign Affairs spoke on behalf of the EU at the opening of the session, outlining the EU's human rights policy and areas of concern. The text of his speech is included as an annex to this report. Joint statements were presented on several issues, including during the debate on the situation in Kosovo. The Presidency, on behalf of the EU, further delivered joint explanations of position or vote on a number of issues, including on its vote against the no-action motion introduced by China concerning the draft resolution presented by the United States on the human rights situation in that country, as well as on the situation in occupied Palestine.

One of the most noteworthy successes with regard to thematic issues was the EU initiative to table a resolution on the death penalty. A seminar on the death penalty was organized by the EU in the margins of the CHR with the participation of academics, lawyers and representatives from the NGO community from different parts of the world. This year the EU had the lead on the resolution on the rights of the child. Close cooperation with the group of Latin American countries (GRULAC) resulted again in adoption of the resolution.

4.4.2 OSCE

The European Union considers the Human Dimension an integral part of the OSCE's comprehensive concept of security. The OSCE constitutes a valuable forum for tackling all the dimensions of security within a comprehensive framework. The EU encourages strengthening of the cooperation between the OSCE and other organisations and international institutions to further strengthen the Human Dimension.

The EU supports the human rights activities of the organs of the OSCE specifically mandated with human rights issues, namely the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities and the Representative on Freedom of the Media, a position which was created at the Union's initiative. In addition, it is a constant objective for the Union that human dimension aspects be mainstreamed into all activities of the Organisation. Of particular relevance in this respect is the work of the Permanent Council and the work done on the ground by the OSCE field missions.

The EU has had a predominant role in making the Human Dimension activities of the OSCE more efficient. It strongly advocated the new modalities for OSCE meetings on Human Dimension issues, which were adopted in July 1998. The EU's main aim was to integrate the review of implementation of human dimension commitments more closely into the everyday work of the OSCE, and in particular into the Permanent Council.

At the same time the EU considered it essential to ensure, also with regard to the new modalities, the participation and influence of NGO's. The EU has consistently supported the growing involvement of NGOs in the Human Dimension meetings, where these organisations can make significant contributions to the work of the OSCE in strengthening human rights and democracy in the OSCE region.

The EU has been a key actor in the OSCE Review meetings and Human Dimension implementation meetings. This was the case again in the 1998 Human Dimension Implementation Meeting (Warsaw, 26 October - 6 November). The EU made interventions on all major issues. It also expressed its grave concern about the problems relating to refugee return and treatment of minorities in the Federal Republic of Yugoslavia (Kosovo), Croatia and Bosnia and Herzegovina and about the human rights situation, notably in Belarus.

In the Supplementary Human Dimension Meeting on Freedom of Religion (Vienna, March 1999) the EU expressed its full support for the Advisory Panel on Freedom of Religion set up by the OSCE's Office for Democratic Institutions and Human Rights. The EU also stressed not only the responsibility of Governments to guarantee freedom of religion, but also the role the OSCE field missions can play in promoting tolerance between different religious groups.

Also, more generally, the EU strongly supported human rights- and democratization-related activities in field missions, which represent important means to provide assistance to host governments in promoting and protecting human rights. In the OSCE Human Dimension Seminar on "Human Rights: the Role of Field Missions" (Warsaw, 27-30 April 1999) the EU stressed the need for relevant expertise and adequate training of mission members with regard to human rights. The need for enhanced cooperation between international organisations active in the field was also underlined.

4.4.3 Council of Europe

The European Union and the Council of Europe share the same goals of protection and promotion of human rights. In this year of the 50th Anniversary of the Council of Europe the Union reaffirmed its attachment to the Council of Europe's values of pluralist democracy, respect for human rights and the rule of law (Presidency declaration of 5 May 1999 on behalf of the EU).

With its wider geographical coverage the Council of Europe is an important partner of the EU in promoting democratic stability on our continent and complementing the work of the EU. The Council of Europe also serves as a forum bringing together the EU and other European States.

The EU supports the essential standard-setting role in the field of human rights played by the Council of Europe. The European Convention on Human Rights and the Court of Human Rights, as well as other human rights mechanisms of the Council of Europe, including the new Council of Europe Commissioner for Human Rights, are central to the system of human rights protection in our continent. In 1998 the new Single Court of the European Human Rights Convention was inaugurated with a view to making the system more effective.

The EU and the Council of Europe join forces and complement their respective action attain shared goals, notably by implementing a number of joint programmes for cooperation and assistance to Central and Eastern European countries and the New Independent States (financed in partnership by the Council of Europe and the EU). Three joint programmes were financed in 1998:

- a joint programme for legal reform, the reinforcement of human rights and the promotion of independent media in the Caucasus countries;
- the third joint programme to strengthen the federal structure and introduce human rights mechanisms and legal system reform in the Russian Federation;

- the second joint programme on national minorities in Central and Eastern Europe.

The EU is already engaged in close cooperation with the Council of Europe in the regional preparations for the World Conference on racism and xenophobia that will take place in 2001.

The EU sees merit in enhancing cooperation with the Council of Europe in areas of shared interest taking into account the expertise developed by that organisation in the field of human rights. The EU continues to seek closer cooperation on the basis of the conclusions of the 1996 Dublin European Council on this issue.

5. THEMATIC ISSUES

5.1 Preliminary note

Since the adoption, fifty-one years ago, of the Universal Declaration of Human Rights, and, forty-nine years ago, of the European Convention for the Protection of Human Rights (ECHR) and Fundamental Freedoms, an impressive body of important legal instruments has developed at global level.

While each of these instruments addresses important issues, the Union welcomes the fact that the World Conference on Human Rights reaffirmed the interdependence and inter-relatedness of all human rights, thus putting to rest sterile debates about human rights categories and hierarchies. The EU emphasises that human rights are, above all, universal and genuinely interrelated and interdependent. Economic, social and cultural rights have gained in importance in recent years. The EU stresses the equal value of all human rights. In many cases, it is not even possible to place a certain right in either the category of civil and political rights or that of economic, social and cultural rights. Labour rights or property rights can be mentioned as pertinent examples as they clearly contain elements from both categories. It would also be quite useless to try to fit the rights of women or children into any single category. What matters from the point of view of an individual - woman, man or child - is effective implementation of all human rights.

The order chosen in the subsequent section is the result of practical considerations, with major human rights instruments and the order of their articles serving as a loose orientation. The order chosen by no means implies an attempt to hierarchize or prioritise human rights.

5.2 Economic, Social and Cultural Rights

All human rights are universal, indivisible and interdependent. Indeed, economic, social and cultural rights and civil and political rights have many common denominators. The EU recognizes that economic, social and cultural rights are a crucial part of human rights. The EU notes with interest the recent adoption of the revised Social Charter.

The EU wishes to stress that both sets of rights are mutually interdependent. The realization of rights such as the right to education, health and social security contributes to the enjoyment of civil and political rights. Similarly, respect for civil and political rights is instrumental for the implementation of economic, social and cultural rights.

The EU does not accept arguments that play off one category of rights against the other, for instance that the realization of ESC-rights would be hampered by enhancing the implementation of civil and political rights.

Examples of the interaction between the two sets of rights are not hard to find. The right to free expression can better be exercised if one has had the opportunity to learn to write. Furthermore,

the promotion of economic, social and cultural rights in a society requires that there be freedom of speech and association, including the freedom to form trade unions.

The EU supports the development of new approaches aimed at making economic, social and cultural rights a reality for all. More than ever there is a need to identify and define concrete steps that Governments can take to enhance the enjoyment of these rights.

U.N.:

The EU supports the goal of universal ratification of the Covenant on Economic, Social and Cultural Rights. The EU also promotes efforts to enhance the implementation of the Covenant. States have a responsibility to respect these rights and refrain from arbitrary or discriminatory implementation. States also have to protect these rights against violations emanating from others. Furthermore, states have to realize these rights through strategies for social and economic development and the gradual enhancement of economic, social and cultural rights. The EU welcomes the development of indicators and benchmarks as a valuable contribution to putting ESC rights into operation.

The EU welcomes the enhanced efforts by the international community, the various UN bodies and agencies and the Committee on Economic, Social and Cultural Rights to seek close coordination and collaboration in their efforts to achieve the realization of these rights. The ESC Committee supervising the implementation of the Covenant has, in interaction with Governments, greatly contributed to a more precise understanding of the obligations stemming from the Covenant and thus its enhanced implementation.

The ESC Committee has also suggested the drafting of an optional protocol introducing an individual complaint mechanism. In the EU's view, individual complaint mechanisms are one apt way of strengthening the rights awareness of those concerned, as well as encouraging States Parties to implement their obligations vis-a-vis individuals. The EU believes that legal clarity would be an important prerequisite for considering a complaint mechanism and would welcome further progress towards clarifying the justiciability of economic, social and cultural rights, drawing also upon the work of the relevant Special Rapporteurs and the Committee on Economic, Social and Cultural Rights.

The EU also welcomes the fact that in 1998 two new mechanisms on ESC rights were introduced at the Commission on Human Rights. A Special Rapporteur focusing on education and an Independent Expert on Human Rights and Poverty will contribute towards enhancing the visibility of these rights in the international human rights fora.

Labour rights

The experience of the EU is that successful economic development cannot take place at the expense of social equality and labour rights and standards. Policies designed to promote social integration, combat discrimination and to address serious labour market problems are high on the EU agenda. The development of labour standards and participatory methods will help to protect and empower people.

Globalization makes it even more important to promote empowerment and participation among those traditionally disempowered. The EU would welcome new partnerships between the business community, governments and civil society as well as the international community in order to promote human rights standards.

The EU supports the crucial role of the International Labour Organisation in developing standards in the area of workers' rights. It attaches particular importance to respect for ILO core labour standards covering the freedom of association, collective bargaining, non-discrimination and the abolition of forced labour and child labour. The EU welcomes the adoption by the ILO in June 1998

of a Declaration on Fundamental Principles and Rights at Work and stresses the importance of an effective follow-up mechanism.

European organisations:

Strengthening of social cohesion in its member countries is one of the objectives of the Council of Europe. From the human rights point of view, the European Social Charter, to which all EU member states are parties, is of fundamental importance. The EU welcomes the recent revision of the Social Charter. An additional protocol that came into force in August 1998 develops the supervisory mechanism by providing trade unions and certain associations with the possibility of complaining to the Council of Europe. The EU emphasizes the importance of the Committee of Independent Experts as a supervisory mechanism of the Charter.

In the OSCE, the EU has i.a. stressed the importance of education as a basis for democratic society. Also, the EU has emphasized the importance of equal opportunities for all citizens.

Development cooperation:

The principles of consolidating democracy and the rule of law as well as respect for all human rights are applied in the EU's development cooperation policy. It is clear that an essential part of development cooperation financed by the EU budget contributes to enhanced implementation of economic, social and cultural rights in the recipient countries in various ways. The EU is convinced that the Covenant on Economic, Social and Cultural Rights is a useful instrument when supporting national initiatives aimed for instance at poverty eradication. The experiences of the EU show the usefulness of empowering the poor as a strategy to overcome their plight and applying a rights-based approach to development in EU development cooperation.

1998 marked the 50th anniversary of the Universal Declaration of Human Rights. On this historic occasion, support was given to concrete projects particularly in the area of education and training. The EU strongly supports all efforts to progressively realize the right to education for everyone.

The EU is active in promoting the participation of women in social, political and economic life in various ways. Support was i.a. also given to the social partners of the associated countries in order to smooth integration into the European Union. Another example of projects supported is the promotion of rights of persons with disabilities.

5.3 Right to life/ Death penalty

The fact that all of the Associated States of Central and Eastern Europe and the Associated States Cyprus and Malta have now abolished the death penalty for ordinary crimes, and most of them for all crimes, is an encouraging and important development whereby these countries have come closer to the EU acquis.

In June 1998 the Council of Ministers of the EU adopted Guidelines for EU policy towards third countries on the issue of the death penalty. In the process of attaining the main objective of definitive abolition, where the death penalty still exists, the EU aims for the use of capital punishment to be progressively restricted and insists that it be carried out according to minimum standards. The EU is working for the abolition of the death penalty as a strongly held policy view agreed by all EU member states. The abolition of the death penalty contributes to the progressive development of human rights.

The adoption of the Guidelines marked a turning point in EU policy with regard to capital punishment. Subsequently, opposition to the death penalty has become one of the most visible elements in the EU's human rights policy globally.

The Guidelines provide a common framework for the various forms of EU action against the death penalty. These involve demarches in individual cases involving the death penalty, raising the issue of the death penalty with relevant Governments as part of political dialogue as well as action in international fora. The EU encourages states that have not done so to become party to the two legal instruments prohibiting capital punishment: the second optional protocol of the UN Covenant on Civil and Political Rights and, where appropriate, Protocol No. 6 to the European Convention on Human Rights and Fundamental Freedoms.

Since the Guidelines were adopted, the number of demarches to Governments of third countries has increased markedly (see Chapter 4 and annex for more details). It is not feasible to react in all cases involving capital punishment. In implementing the Guidelines, the EU has nevertheless intervened in a number of cases where, for instance, the policy of the country concerned has changed or where special humanitarian considerations are involved. These include imposing the death penalty on minors or the mentally handicapped, or for non-violent crimes.

The EU took up the issue of the death penalty in its political dialogues with relevant countries such as China, the US and Iran. In this context, the EU emphasized its opposition to capital punishment in all countries.

On 29 June 1999, following the death sentence passed on Abdullah Ocalan, the EU Presidency reiterated its opposition to capital punishment as a matter of principle, irrespective of the defendant and the offence of which he is convicted.

The U.N. :

Work to combat the death penalty is more to the fore in international fora than before. At the UN, the resolution on the death penalty, previously presented by Italy, was in 1999 presented for the first time by the EU at the Commission on Human Rights, with growing success in terms of voting results. The resolution i.a. calls on states that still maintain the death penalty to progressively restrict its use with a view to completely abolishing it and to observe basic criteria as long as it is used. During the CHR, in April 1999, the EU also organized a panel discussion in Geneva on capital punishment.

Europe :

The universal abolition of the death penalty is also an objective of the Council of Europe. The abolition of the death penalty is an important element in the membership criteria of the organisation. Capital punishment has also been chosen as one of the specific topics for the Committee of Ministers' monitoring mechanism. New member states are expected to apply a moratorium from the time of joining the organisation and to introduce abolition within a certain time-frame. The EU closely monitors the fulfilment of these commitments and has welcomed steps taken towards abolition by certain countries. For instance, when Estonia abolished capital punishment in 1998, the EU issued a declaration welcoming this development.

At the OSCE, exchange of information on capital punishment takes place. As capital punishment still exists in some OSCE countries, no specific commitments have been agreed upon concerning its abolition. The EU, however, gave a speech on capital punishment at the Human Dimension Implementation meeting in autumn 1998. The EU stated that a possible global trend towards finding common ground on this issue has taken place. Moratoria will help to raise awareness in favour of the abolition of the death penalty. The EU emphasized that capital punishment is irrevocable and has not proved to be indispensable in combating crime.

5.4 Prohibition of Torture

All EU states are signatories to the UN Convention Against Torture (CAT). Our goal is to secure universal ratification. Over the last year we have welcomed new accessions by Bangladesh, Burkina Faso, Indonesia, Kazakhstan, Niger, South Africa, Zambia and Japan. All EU Member States are also parties to the European Convention on Prevention of Torture (CPT).

Despite the extensive provisions under national and international law, the reality is that police brutality and maltreatment of detainees remain widespread, and are often condoned or even actively encouraged by the authorities.

The U.N. :

At the United Nations level, the EU has participated actively in the Working Group on the Draft Optional Protocol to the CAT to create independent machinery to investigate places of detention. A similar mechanism already exists in Europe - the European Committee for the Prevention of Torture which regularly visits EU and other Council of Europe Member States. On a practical level, the EU is a major contributor to the UN Voluntary Fund for Victims of Torture.

The EU regularly raises reports of torture at UN human rights meetings and urges States' full cooperation with the UN Special Rapporteur on Torture. At the 1999 Commission on Human Rights we regretted that the Governments of Indonesia and India as well as Algeria and Egypt have failed to respond to outstanding requests by the Special Rapporteur to visit. But we are pleased that the Special Rapporteur has been able to undertake missions to Turkey, Cameroon and Romania, and that the Governments of Kenya and China have invited him to visit.

Europe :

The EU is also committed to the 1990 Paris Charter and 1994 Budapest Charter of the OSCE, which reiterate and expand upon the commitment expressed in the Universal Declaration of Human Rights to eliminate torture. In the OSCE, the EU fully supports the Office for Democratic Institutions and Human Rights (ODIHR) advisory group on torture, which includes expertise from most disciplines involved in the struggle against torture.

At the OSCE Human Dimension meeting in October 1998 the EU called for better training of law enforcement officers; effective action by governments to bring perpetrators of torture to justice, and more help to rehabilitate victims of torture and their families.

Under the European Initiative for Democracy and Human Rights, the EU has provided practical help to individuals and to states (approximately 9 MECU in 1998) in three major areas:

- information and education, in particular of law enforcement officers;
- bringing perpetrators to justice;
- support for victims of torture and their families. The EU has helped to fund treatment and rehabilitation centres in Bosnia-Herzegovina, Croatia, Denmark, France, Latvia, Nepal, Pakistan and Turkey.

5.5 Right to freedom of opinion, expression and religion

Freedom of opinion, expression and religion are fundamental to free and open societies. Violations of these rights are widespread. The EU supports the work of international mechanisms monitoring such violations and gives practical help such as support for independent media.

The U.N. :

The UN Special Rapporteur on the Right to Freedom of Opinion and Expression reports annually to the Commission on Human Rights. The EU has welcomed his recent work on the links between freedom of opinion and expression and the elimination of violence against women. Recent field visits include Malaysia and Hungary. We have urged the Governments of Albania, Argentina, Egypt, Indonesia, the Democratic People's Republic of Korea, Peru, Sri Lanka, Tunisia and Vietnam also to respond positively to his requests to visit.

The UN Special Rapporteur on Religious Intolerance has a global mandate, raising allegations of religious persecution and intolerance with individual governments. The EU supports his work and shares his observation that action to promote freedom of religion or belief is inextricably linked to action to promote democracy and development.

Europe :

The OSCE has adopted principles which commit participating states fully to respect freedom of thought and expression, including media freedom. Throughout the year, the EU has fully supported the work of the OSCE Representative on Freedom of the Media. Repeated violations of media freedom in some OSCE states underline the importance of his mandate. Particular areas of

focus include the provision of an early warning function and action to help prevent misuse of the press to conduct a "war by words".

At the OSCE Human Dimension Implementation Meeting in October 1998, the EU raised concerns about the restrictive character of Russia's 1997 Law on Freedom of Conscience and Religious Association, as well as laws in Uzbekistan and FYROM restricting the rights of some religious groups.

While seldom condoned by governments, anti-Semitic statements and acts remain a significant problem in some European countries. The EU works closely with the European Commission against Racism and Intolerance (ECRI) of the Council of Europe and the European Monitoring Centre on Racism and Xenophobia in combating these and other forms of intolerance.

Over the past year, the EU has raised its concerns about threats to the full observance of the freedom of opinion, expression and religion in a number of countries.

In China, the EU made clear its serious concern about the crackdown at the end of last year on pro-democracy activists, including a strong statement at the Commission on Human Rights on behalf of the EU and through the EU's human rights dialogue with China. EU Troika Ambassadors also carried out a fact-finding visit to Tibet.

The right to freedom of expression continues to be violated in Belarus. In 1998 the EU highlighted serious press restrictions and a ban on Government officials releasing information to the non-State media.

The EU has also protested to the Iranian authorities about the imprisonment of journalists and writers persecuted for peacefully carrying out their work and about the denial of the rights of the Bahai and Jewish communities in Iran. The discrimination and persecution against the Bahai's, including arrests and death sentences have especially caught the EU's attention.

At the Commission on Human Rights and bilaterally, the EU made clear its deep concern about the arrest and evident torture of two Zimbabwean journalists by military authorities and the Government's subsequent reaction to the court proceedings.

The EU made a declaration expressing its concern about the detention of Mr Birdal, the Chairman of the Turkish Human Rights Association in June 1999. His imprisonment and the one year sentence were big setbacks to freedom of expression in Turkey.

5.6 Rule of Law/Impunity/International Criminal Court

The rule of law and an accessible and independent judicial system are an essential framework for democracy and human rights. Governments and public officials must act in accordance with the law and within the limits set by the law. The EU works to suppress the culture of impunity still prevailing in many countries. It is essential to bring those guilty of human rights violations to justice.

For this reason, the EU has consistently supported the idea of creating and establishing a permanent International Criminal Court (ICC). The ICC will have jurisdiction over war crimes or crimes against humanity. The Union strongly believes such a Court will make for a more just and peaceful world by ending the paradox that those who murder one are more likely to be brought to justice than those who slaughter millions.

The European Union was delighted at the historic outcome of the Rome Diplomatic Conference of June-July 1998 which produced the Statute of the ICC and, together with the overwhelming majority of other participants, voted in favour of the Statute. The Union put its full weight behind the successful moves to give the Court jurisdiction over war crimes occurring in civil wars as well

as those between States; over serious sexual crimes when committed as war crimes or crimes against humanity; and over the war crime of using child soldiers. Member States also helped secure agreement that the Court should be able to order the guilty to pay reparations to their victims.

By the end of 1998, all European Union Member States had signed the Rome Statute and committed themselves to completing the constitutional procedures required for ratification without delay. The European Union is urging all States to sign and ratify so that the Court can be established as soon as possible with the widest support of the international community.

Under the European Initiative for Democracy and Human Rights, the European Union continues fully to support the work of the ad hoc international tribunals for Rwanda (ICTR) and for the former Yugoslavia (ICTY). In addition to voluntary and assessed contributions from EU Member States to the Tribunals, in 1998 the EU helped to provide protection and counselling and support for victims and witnesses appearing before the Yugoslav tribunal. In the Great Lakes region the EU funded a project aimed at informing the media about the work of the Rwanda tribunal.

Despite the arrest of individuals indicated by the Yugoslav and Rwanda Tribunals, the Union is concerned that others remain at large. It has repeatedly called upon States to hand over indicated persons to the Tribunals' custody in compliance with UN Security Council resolutions. The EU will continue to work to bring to justice all those accused of war crimes. The EU also supports the efforts of the Yugoslav Tribunal to bring to justice those responsible for committing atrocities.

In 1998 the EU funded a joint programme with the OSCE in Kazakhstan, Kyrgyzstan and Turkmenistan to promote the rule of law. This included help to the three states to review their legislation to bring it in line with international obligations.

European Union Missions in Kuala Lumpur followed closely the trial of the former Malaysian Deputy Prime Minister Anwar Ibrahim. He was subjected to physical mistreatment in police custody; was throughout denied bail, and prominent members of the Malaysian Bar expressed reservations about the conduct of the trial and actions and statements by the Executive. In such circumstances, the EU had doubts about the fairness of the trial and made known its concerns in public statements.

The European Union has called on the Government of Colombia to introduce and implement specific measures to promote and protect respect for human rights and to address the high level of impunity. Transferring all judicial procedures relating to serious human rights violations, currently falling under military penal jurisdiction, to the ordinary justice system, together with conducting thorough investigations, would contribute to reaching this goal.

5.7 Arbitrary arrest/Disappearances/Extra-judicial killings

Arbitrary detention continues to be widely used against persons exercising the fundamental freedoms set out in the UDHR. The EU fully supports the work of the UN Working Group on Arbitrary Detention. Over the last year the Working Group has visited Peru, the United Kingdom, Romania, and Indonesia. Separate independent mechanisms of the Commission on Human Rights similarly monitor disappearances and extra-judicial killings.

The EU has raised its concerns about developments in individual countries. In China, for example, administrative detention and re-education through labour are still widely used on an arbitrary basis. In the light of the recent introduction of the rule of law into the Chinese Constitution, meaningful efforts to reform the system of administrative detention, including through provision for the intervention of a judge at the earliest possible moment, are urgently needed since the absence of arbitrariness is a basic pillar of the rule of law.

While recognizing positive human rights developments in Sri Lanka the EU is still concerned about human rights violations such as disappearances, extra-judicial killings, arbitrary arrests and torture by paramilitary parties, armed forces and the police. The EU has also condemned the human rights abuses committed by the LTTE. The EU has called on the Sri Lankan Government to take steps to strengthen the national Human Rights Commission.

In Colombia the EU has deplored the fact that paramilitary groups were responsible for a growing number of assassinations and that the number of displaced persons has reached unprecedented levels. We have also condemned the murders of human rights activists.

In Indonesia and East Timor we have expressed concern about reports of arbitrary detention, extra-judicial killings, forced disappearances, torture and ill treatment.

The EU has urged Algeria to allow early visits of UN human rights mechanisms, particularly the UN Special Rapporteurs on Torture and on Extra-judicial, Summary or Arbitrary Executions. The EU has urged the Government scrupulously to adhere to human rights standards and the rule of law in their fight against terrorism. The European Union remains concerned over reports of involuntary disappearances, arbitrary detention and torture of detainees and particularly of numerous cases of involuntary disappearances.

The EU has also made clear its concern about human rights violations and breaches of international humanitarian law in the Democratic Republic of Congo (DRC). We have fully supported the UN's efforts to investigate all allegations of human rights violations and to bring those responsible to justice. In this respect, the EU has welcomed the Government of the DRC's commitment to carry out its own inquiry and has offered technical assistance to support this initiative. In two declarations and on other occasions the EU has appealed to the Government of Angola and to UNITA to respect human rights. The EU has expressed its view that a UN presence, including a human rights component, could contribute positively to a peaceful settlement of the Angolan conflict.

5.8 Right to take part in the government of one's country: elections, local democracy and citizenship

The EU attaches great significance to the principles that the will of the people shall be the basis of the authority of government and that everyone has the right to take part in the government of his country, as expressed in Article 21 of the Universal Declaration of Human Rights. Article 6 (1) of the TEU, as amended by the Treaty of Amsterdam, spells out that the Union is founded on the principle of democracy. The human rights clause included in Community agreements with third countries requires respect, not only for fundamental human rights, but also for democratic principles.

The right to genuinely free, fair and periodic elections is firmly stated in the International Bill of Human Rights, as well as in various other international and regional human rights instruments. Elections are not an end in themselves but a means of ensuring citizens' participation in decision-making. They require a political environment characterized by tolerance and freedom of expression.

The only truly democratic electoral systems are also inclusive; women and members of minorities have a right to full participation in the electoral process. It is therefore necessary to establish complete and accurate voter registers as a pre-requisite for winning full public confidence in the election system.

And democracy at the national level needs to be underpinned by local democracy. In the Council of Europe thirty six members, including all EU Member States, have signed the European Charter of Local Self-Government - the only international legal instrument recognizing municipal self-government.

The European Union also expressed its concern that the parliamentary elections held in Equatorial Guinea in March 1999 were seriously flawed. Irregularities included unequal access to media, restrictions on freedom of movement and assembly and a lack of independence of the National Election Committee. The European Union appealed to the Government of Equatorial Guinea carefully to examine these incidents and to take appropriate measures to rectify them.

The European Union has worked to strengthen democratic institutions and bring about participation in elections. For example, the EU has mounted electoral observer missions to a number of countries (see section 4.2.7). In early 1998 the European Union agreed on Guidelines for EU election observation missions. These include a code of conduct on when the EU should observe elections, and how the observers should carry out their work. A similar Code exists for missions of the OSCE, which has developed considerable electoral expertise through its Office for Democratic Institutions and Human Rights. To strengthen its capacity to respond to international operations such as these, the EU agreed in June 1999 common criteria for the selection of EU electoral observers and is preparing a common training handbook.

5.9 Freedom from slavery and forced labour

EU Governments recognize the importance of abolishing child labour, which deprives children of their right to childhood, their right to education, and their freedom from forced labour. We are actively supporting the work of the United Nations, the International Labour Organisation (ILO) and the UN Children's Fund (UNICEF) in this area. We welcome the adoption of a new ILO Convention concerning the Prohibition and Immediate Actions for the Elimination of the Worst Forms of Child Labour. The EU will help ensure that the Convention makes a positive contribution to the elimination of the most intolerable forms of child labour, including bonded labour and the exploitation of children in prostitution.

The EU has also agreed to reward developing countries which meet international labour standards with additional access to EU markets for their products under the EU's Generalized System of Preferences scheme. This will encourage these countries to address the problem domestically so that they can benefit from increased trade with the EU.

At the Commission on Human Rights, the EU supported resolutions calling on States to take action to prevent forced and bonded labour, including trafficking in women and children. The European Union also tabled a successful resolution calling upon the Government of Sudan to address instances of abduction of women and children for forced labour.

In June 1999 the International Labour Conference, with EU support, adopted an Emergency Resolution on Forced Labour in Burma. This declared the Burmese regime's behaviour incompatible with the conditions and principles governing ILO membership and prohibited ILO technical cooperation. The ILO emergency resolution removed ILO technical assistance, except where this is specifically designed to promote the abolition of forced labour.

5.10 Right to freedom of peaceful assembly/freedom of association

The right to assemble peacefully and to form associations are key elements in a democratic society. Citizens should be allowed to exercise these rights without intimidation from security forces and the police. Associations such as NGOs and Trade Unions are important fora for civil society to exchange views and ideas, and to articulate interests. They also provide a framework for individuals to learn more about their rights and to seek redress when their rights are denied. As such, associations make a vital contribution to a vibrant civil society, complementing the work of government. For these reasons European Union governments work closely with NGOs in developing new policies.

However, in some countries, governments seek to prevent public gatherings, and use force to break up peaceful demonstrations. In 1998 the EU publicly voiced its concerns at the beatings and arrest of peaceful demonstrators in Belarus, for example.

The European Union has adopted a code of conduct to prevent the export of equipment which could be used against peaceful demonstrators. The European Union is also concerned about restrictive laws in some countries which seek to curtail the activities of NGOs. In particular, the European Union is concerned about new measures in Egypt and in Pakistan, which restrict the activities of NGOs.

5.11 Non-discrimination and respect for diversity

The principle of non-discrimination is at the core of human rights protection. The Amsterdam treaty determines fighting any discrimination based on sex, race, ethnic origin, religion or belief, disability, age or sexual orientation. However, manifestations of racism and intolerance occur in all regions. A substantial share of present conflicts derive from ethnic tensions and infringements of rights of persons belonging to minorities. Tolerance and non-discrimination build stability and security and promote the full development and dignity of all individuals, communities and society as a whole.

Persons belonging to minorities often face an increased risk of human rights violations. Minorities and indigenous peoples are often marginalised from social and economic life and are prevented from fully enjoying their human rights.

States have the responsibility to ensure that all citizens are treated on an equal basis and protected against discrimination, racism and other forms of related intolerance. States should, where appropriate, strengthen their national legislation, policy and practice to fulfil this obligation. In addition, human rights education and awareness-raising are needed to counter racist attitudes. Governments bear particular responsibility in this respect but efforts by civil society and non-governmental organisations are needed as well.

The principle of non-discrimination contained in human rights treaties lays a basis for the EU policy in this field. The entry into force of the Amsterdam Treaty reinforced the EU's commitment to the principle of non-discrimination. The new Article 13 lays a basis for enhanced action to counteract discrimination based on gender, ethnic origin, religion, disability, age or sexual orientation. Moreover, the fight against racism and xenophobia inside the EU has been made a specific theme this year.

The Vienna European Council in December 1998 underlined the need to combat all manifestations of racism, xenophobia and anti-Semitism, both in the European Union and in third countries. It invited the Commission to draft proposals for measures to counter racism in the candidate countries.

The EU raises the issue of the status of minorities and indigenous peoples as well as the promotion of tolerance in its various dialogues. A recent example was the EU-Latin America Summit, the final documents of which refer to these subjects. Support for minorities, ethnic groups and indigenous peoples is mentioned in the new EU regulations on democracy and human rights. Enhancement of projects in this area is planned by the Commission.

5.11.1 Racism

The U.N.:

The decision to hold a UN World Conference against racism, racial discrimination, xenophobia and related intolerance in 2001 has created a new momentum in the fight against racism. The World Conference will review progress made world-wide, consider ways

and means to better ensure the implementation of existing standards and formulate concrete recommendations to combat all forms of racism.

The EU supports the convening of the World Conference. The EU stresses that the process should make a difference at the practical level. Therefore, the EU has stressed the importance of regional preparatory processes, NGO participation and identification of follow-up activity, as well as the need to keep the agenda comprehensive enough to cover all forms of racism and racial discrimination.

In its speeches at the Commission on Human Rights and the UN General Assembly, the EU stressed that it is one of the very purposes of the UN to promote universal respect for human rights for all, without any distinction as to race, colour or national or ethnic origin. The significance of the UN Convention on the Elimination of all Forms of Racial Discrimination is underlined by the fact that today more than 150 States have ratified it. The EU reaffirmed that its goal remains the universal ratification of the Convention.

Europe:

The Council of Europe:

The EU supports the wide-ranging activities of the Council of Europe in the field of promoting tolerance in Europe. The EU welcomes the efforts of ECRI (European Commission against Racism and Intolerance) which has developed both a thematic and a country-specific approach. The EU stresses the importance of ensuring cooperation between the Council of Europe and the EU in the field of combating racism. The Council of Europe already participates actively in the work of the EU Monitoring Centre on Racism and Xenophobia.

The Council of Europe is entrusted with the preparation of the World Conference at European level. The EU initiated and now gives its strong support to this regional preparatory process. The European Conference is planned for autumn 2000. The European input should be comprehensive, forward-looking, practical and action oriented. The EU emphasizes the importance of establishing a meaningful link to the regional and global preparatory processes. The EU is considering providing support to ensure the full participation of NGOs in the preparatory process.

The OSCE:

The issue of racism is also dealt with under the OSCE Human Dimension. Respect for the principle of non-discrimination is seen as contributing to the stability of societies.

The EU participated actively in the debate on racism during the Warsaw Implementation Meeting in October -November 1998. The EU made speeches, inter alia, on "Tolerance and Non-Discrimination" as well as "Preventing Aggressive Nationalism, Ethnic Cleansing, Racism, Chauvinism and Xenophobia". In these statements the EU emphasized that manifestations of racism and xenophobia occur throughout the OSCE area and stressed the need to counteract these at all levels.

5.11.2 Minorities

The U.N.:

Various UN human rights instruments form a legal basis for respect of the principle of non-discrimination and the rights of persons belonging to national or ethnic, religious and linguistic minorities. The International Covenant on Civil and Political Rights guarantees persons belonging to national minorities the right to foster their own culture, religion and language. In 1992 the UN General Assembly adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities which, although

not legally binding, forms an important basis for the protection of minority rights. This work is pursued in the UN Working group on minorities, which now has a permanent mandate.

At the Commission on Human Rights, the resolution on minorities at CHR was presented by an EU Member State. In addition, EU member states held speeches on this issue at CHR and UNGA.

Europe:

The Council of Europe:

The recently entry into force of the legally binding instruments, in particular the Framework Convention for the Protection of National Minorities and the European Charter for Regional and Minority Languages, now provide a good basis for enhanced activities. The development of standards in this area continues.

The EU and the Council of Europe have for some time collaborated on issues related to minorities in Europe. The second Joint Programme for "Minorities in Europe" was launched on the occasion of the 50th anniversary of the Council of Europe in Budapest in May 1999. This is the continuation of the first Joint Programme "Minorities in Central European Countries" which came to an end in March 1998. Activities in this field have included the establishment of cooperation mechanisms among governmental offices responsible for minorities issues.

The OSCE:

Several OSCE documents deal with the protection of national minorities. The Copenhagen Document on the Human Dimension of 1990 was clearly a major step forward in this respect and this has been followed in subsequent documents. For instance in Budapest in 1994 a decision was taken to establish a contact point for Roma affairs.

The EU supports the OSCE activities with regard to national minorities as an element of promoting comprehensive security in Europe. In its speech on national minorities at the Warsaw Implementation meeting, the EU stated that ethnic conflicts are one of the main sources of large-scale violence in Europe today and that more needs to be done to strengthen the implementation mechanisms.

The EU regards the role of the OSCE High Commissioner on National Minorities as a highly important one. The EU has emphasized that practical solutions have been found that have ensured that people belonging to national minorities will be able to effectively exercise and enjoy their human rights.

The EU enlargement process:

Compliance with the principle of non-discrimination is an important element in the EU enlargement process. The European Council in 1993 included in the Copenhagen criteria that membership requires that the candidate country has established respect for and protection of minorities.

The situation of minorities in the Associated Countries has subsequently been followed up by the Commission (for example in Commission document Agenda 2000 - for a Stronger and Wider Europe) as a condition for democratic stability.

It is estimated that around 8 million Roma live in Europe. The EU has paid special attention to the situation of the Roma population in Central and Eastern Europe. Discrimination against the Roma can be encountered in the labour market, where unemployment rates are particularly high, and in their access to housing, health care and public services in general.

Violence by individuals and extremist groups remains a threat to the security of the Roma. Roma women may be victims of multiple discrimination.

The situation of the Roma in the associated countries is being closely followed in the process of EU enlargement. The EU supports the candidate countries in adopting the necessary measures mainly through the Phare Programme for Central and Eastern Europe. In Slovakia, for instance, projects related to improving the housing standards, the cultural and educational levels and the job opportunities of the Roma were supported. In the Czech Republic, local NGOs promoting integration through legal and advisory support and communal tolerance actions have received funding through Phare.

The importance of the protection of minorities has recently been highlighted in the Commission Communication entitled "Countering racism, xenophobia and anti-Semitism in the candidate countries" which was presented to the European Council meeting in Cologne on 3-4 June 1999.

5.11.3 Indigenous peoples

The U.N.:

Indigenous peoples are often subjected to repeated human rights violations and exclusion from economic, social and political life. Indigenous peoples are of course protected by the principles of non-discrimination and the standards relating to minorities. A specific Declaration on indigenous rights is being prepared at the UN.

The situation of indigenous peoples has taken on a new international dimension since the adoption of the Vienna Declaration and Programme of Action at the World Conference on Human Rights in 1993. The policy of the EU towards indigenous peoples is based on the principles contained in paragraph 20 of the Vienna Declaration.

On the recommendation of the Vienna Conference, the General Assembly proclaimed an international decade of the World's Indigenous Peoples, 1995-2004, under the theme: "Indigenous People: Partnership in Action". A major outcome of the decade should be the adoption of a Declaration of the Rights of Indigenous Peoples and the establishment of a Permanent Forum within the UN system.

Europe :

The Council resolution on indigenous peoples within the framework of the development cooperation of the EU and its member states was adopted in November 1998. The resolution was based on a Commission communication on the same subject. The Council emphasized that cooperation with indigenous peoples is essential for the objectives of poverty elimination, sustainable development of natural resources, the observance of human rights and the development of democracy. The Council called for the full participation of indigenous peoples, and involvement of other partners including local populations, regional and local authorities and NGOs is also provided for.

5.12 Women's rights

All individuals are entitled to all human rights. The need to emphasize women's rights is based on the fact that the realization of these rights differs. Various obstacles to the implementation of the human rights of women remain. Disadvantageous economic situations and certain cultural traditions prevailing in various countries can be mentioned here. Women and girls often suffer from specific violations of human rights in a different way than their male counterparts do. In addition, some rights and human rights violations are clearly gender-specific. Violence against women is a pertinent example. Therefore, any analysis or action in the field of human rights must not be gender-blind.

Women's rights are an integral and inalienable part of universal human rights. The Beijing World Conference on Women was clearly a step forward. The Beijing Platform for Action remains a highly relevant agenda in terms of promoting the human rights of women and the girl child.

According to the Amsterdam Treaty, gender equality is an objective of the European Community under Articles 2 and 3 of the TEC. The EU has actively raised the rights of the girl child as well as the position of women in particularly difficult circumstances. Being aware of the fact that girls are often not brought up to assume important roles in society, the EU supports special programmes directed at girls and young women. In Europe trafficking in women has become a serious problem which the EU has targeted through various measures. The STOP and DAPHNE programmes aim at improving the situation of victims of violence and of trafficking. The EU has also paid attention to the position of women in armed conflicts. EU support for the inclusion of gender-related crimes (e.g. rape) in the Rome Statute of the International Criminal Court is an example of this.

The U.N.:

Within the UN, the EU takes a twofold approach. It is essential to promote women's rights through mainstreaming, that is by integrating the gender perspective into all relevant thematic and country-related initiatives. At the same time, however, it is important to promote specific projects on women's rights and emphasize awareness-raising in this area.

At the Commission on Human Rights (CHR), the EU has followed this two-track strategy. The EU has promoted mainstreaming by, inter alia, introducing the need to apply the gender perspective to the mandates of Special Rapporteurs of the Commission. This is a practical way of making gender issues more visible in the reports and the discussions of the Commission. Similarly, the EU supports in particular the valuable work of the special mechanism in place, i.e. the Rapporteur on Violence against Women.

In its speech at the CHR, the EU said that states have to respect the principle of non-discrimination but that this is not enough. According to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), States Parties must pursue an active policy of eliminating discrimination by any person or organisation. States must review their legislation and also customs and practices which discriminate against women. The EU is working to promote the universal ratification of CEDAW by the year 2000.

As a means of enhancing the efficiency of CEDAW, the EU has supported the initiative to supplement the Convention through an optional protocol creating the possibility of individual complaints against States Parties. The EU warmly welcomed the consensus reached on this initiative in March and is now working for the early entry into force of this new instrument.

Another relevant UN forum for the promotion of women's rights is the Commission on the Status of Women (CSW), which this year concentrated on health issues and institutional mechanisms. The CSW also serves as the Preparatory Committee for the Beijing + 5 UN General Assembly. In this context the EU strongly made the point that the results of Beijing are non-negotiable. The EU was also successful in safeguarding the active participation of non-governmental organisations in the Beijing follow-up process.

European Organisations:

The OSCE has grown increasingly active in promoting the status of women in Europe. The EU welcomed this trend, which included the organizing in April 1998 of an informal meeting on women's participation in Vienna. In its speech at the OSCE Human Dimension Implementation meeting in October 1998, the EU stressed that full and true equality between men and women is a fundamental aspect of a just and democratic society. The EU also spoke at the OSCE's supplementary human dimension meeting on gender issues held in Vienna on 14-15 June 1999.

At the Council of Europe, the EU member states have supported the finalisation of an additional protocol to the European Convention on Human Rights concerning Article 14 on non-discrimination. The member states also supported the adoption of a Declaration on the equality of women and men presented by the Committee of Ministers of the Council of Europe in November 1998.

Cooperation Programmes:

The EU has continued to further the cause of women and remove inequalities between men and women through its dialogue with third countries and through its policies on development co-operation. The Council Resolution (of 20 Dec 1995) on integrating gender in development identifies human rights and democratization as an emerging area where special attention should be given to gender issues.

Council Regulation No 2836/98 on Integrating Gender Issues in Development Co-operation (22/12/98) formally established budget chapter B7-6110 for gender awareness-raising activities.

The right of women to participate equally in cultural, economic, social and political development is increasingly being implemented in all EU development cooperation projects and programmes, under internal procedures for gender integration.

For instance, the EU provides extensive support for projects concerning women's sexual and reproductive rights. Examples include an ECU 200 million contribution to the Sector Programme for Health and Family Welfare in India, which is focused on women's sexual and reproductive health and rights. The EU supports similar programmes in a number of countries such as Egypt and the Philippines.

In the area of women's rights, Afghanistan is currently a central concern of ECHO, the European Community Humanitarian Aid Office. The European Parliament, too, devoted 8 March 1998 to the women of Kabul, in order to focus the world's attention on the oppression these women are suffering and to do everything possible to stop the violations of their rights.

5.13 The rights of the child

The rights of the child are a clear priority in the area of human rights. The European Union fully recognizes this. The EU supports the decision to increase the number of members of the Committee. In the Amsterdam Treaty, the EU specifically recognized the importance of addressing offences against children. Children are too often denied the support they need to realize their full potential as human beings. In addition, children are often the deliberate victims of a wide range of violations.

All the EU's work for children's rights is guided by the United Nations Convention on the Rights of the Child (CRC) of 1989 which all members of the EU have ratified. The Convention has attained almost universal ratification and has enhanced the global visibility of children's rights. The EU has regularly called on the two states which have not yet ratified the CRC to do so as a matter of urgency.

The Convention has made the issue of children's rights more visible. Its full implementation, however, remains a distant objective. In this respect the EU supports the Committee supervising the implementation of the Convention. The task of the Committee is considerable taking into consideration the fact that almost all countries in the world are signatories and the Convention covers a wide range of issues related to child rights.

At the United Nations Commission for Human Rights as well as the UN General Assembly the EU is the main sponsor, together with the Latin American and Caribbean countries, of the resolution on the rights of the child. The extensive resolution has made it possible to highlight various topical issues. The EU also regularly speaks when children's rights are discussed at the relevant fora. In

addition, the EU supports important work for children's rights in the regional context, such as the Council of Europe's Programme for Children.

The improvement of the rights of the child is also an issue extensively covered in the context of development cooperation through the EU budget. Reinforcing respect for the rights of the child is, for instance, mentioned as a specific objective of a budget heading, through which various projects of human rights NGOs are financed. Support has i.a. been given to projects aimed at rehabilitation of child victims of human rights abuses.

In the following, the EU's views on some areas of child rights of primary importance are briefly described:

Girl child:

The EU finds that girls often have to face multiple discrimination. Girls often still do not have equal access to education and health care. The EU is fully committed to eliminating harmful traditional practices as well as gender stereotyping affecting girls.

The EU underlines the urgent need to prohibit genital mutilation of girls where it still exists. Implementation of prohibition cannot be achieved by laws alone. Education, especially focused on women's health, must be a vital part of any effective programme. The EU also calls for legislation discriminating or condoning unequal treatment of girls to be abolished.

Children in armed conflict:

Children are the first victims of any armed conflict. The EU is unreservedly convinced that children must be protected from taking part in warfare, whether as recruits or civilians.

The EU believes that there is an urgent need to raise the current minimum age limit set by Article 38 of the Convention on the Rights of the Child for the recruitment and participation of any person in armed conflicts, with the aim of a higher standard of protection of children and an early conclusion of the proceedings of the working group on a draft optional protocol on the involvement of children in armed conflicts, especially with a view to the tenth anniversary of the entry into force of the Convention.

The EU fully supports the important work of the UN in this field, in particular the UN Special Representative of the Secretary General on Children in Armed Conflicts and UNICEF. Several EU Member States have made voluntary contributions to the Special Representative's work.

At the negotiations for the new International Criminal Court (ICC) the EU successfully pushed for a provision making conscripting or enlisting and using children a recognized war crime for the first time.

An estimated 2 million children have been killed and another 6 million seriously injured in wars over the last ten years. Many are made refugees or internally displaced. The clear majority of the world's refugees are women and children. This was the case also recently in Kosovo. Others witness acts of violence which leave mental scars for the rest of their lives.

Children are often recruited in prolonged civil wars such as the ones in Sierra Leone or Afghanistan where they may be deliberately brutalized. Recruiting children as soldiers damages entire societies. It is often very difficult to bring traumatized children who have not had the opportunity of basic education to normal life again. The acute problems related to children in armed conflict have gained increased visibility globally. The EU also acknowledges the highly valuable work by several NGOs in this field.

Sexual exploitation of children:

The sexual abuse of children remains one of the most shocking and repellent abuses of children's rights. Children are forced in a variety of ways, or through simple poverty, to become one of the estimated one million child prostitutes around the world. Others are exploited for pornographic purposes. The EU is also particularly concerned about the potential role of the Internet in providing a tool for the sexual exploitation of children.

The EU promotes international efforts aiming at more cooperative and efficient ways to tackle this problem. The EU calls for early finalisation of an Optional Protocol to the CRC on the sale of children, child prostitution and child pornography.

The EU has undertaken a number of initiatives aimed at addressing this problem, including:

- The STOP Programme from 1996 to the year 2000 which seeks to promote and coordinate activities to combat the trafficking and sexual abuse of children.
- The proposed Multi-annual Community Action Plan which would combat the use of the Internet for the sexual exploitation of children.
- The Asia-Europe Meeting (ASEM) process aimed at increasing cooperation to combat the sexual abuse of children and the forthcoming opening of a web site for exchange of information on legislation and best practices on this issue.

Child labour:

Child labour, a form of exploitation to which children are subjected world-wide, continues to be of particular concern to the EU. According to ILO studies, at least 250 million children between the ages of 5 - 14 are obliged to work. The EU recognizes that child labour is both a consequence and a cause of poverty and child labour has to be seen in the context of strategies for poverty eradication and social development.

EU Governments recognize the importance of abolishing child labour, which deprives children of their right to a childhood, their right to an education, and their freedom from forced labour. We are actively supporting the work of the United Nations, the International Labour Organisation (ILO) and the UN Children's Fund (UNICEF) in this area. At the recent Conference of the ILO, EU Members were heavily involved in the successful conclusion and adoption of a new Convention aimed at addressing the worst forms of child labour. We welcome the adoption of the Convention concerning the Prohibition and Immediate Actions for the Elimination of the Worst Forms of Child Labour. The EU will help to ensure that the Convention makes a positive contribution to the elimination of the most intolerable forms of child labour, including bonded labour and the exploitation of children in prostitution.

The EU sees the adoption of the Convention as a major step forward and calls for its early ratification and effective implementation.

5.14 The Right to Development

Since the adoption of the Declaration on the Right to Development by the UN General Assembly in 1986 the international community's understanding of the right to development has been broadened and deepened. The 1993 World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and stressed that democracy, development and respect for human rights are interdependent and mutually reinforcing.

The human being is the central subject of development and should be the active participant and beneficiary of the right to development. The right to development is based on the understanding that development is a process targeted at the realization of civil, cultural, economic, political and social rights meeting equitably the developmental and environmental needs of present and future generations.

The EU participated actively in the deliberations on the right to development in the various bodies of the United Nations concerned with human rights and supported the new UN mechanisms on the

right to development, the Independent Expert and the Working Group on the Right to Development of the Commission on Human Rights. These efforts aimed at further strengthening the international consensus on the right to development.

At its 55th session the Commission on Human Rights was able to adopt a resolution on the subject without a vote. In the negotiations for this important resolution the EU stressed the need to implement the right to development through increased operationalisation at the national and local level. This means that all human beings, men and women, must participate fully in all aspects of the development process which affect them. This requires that people enjoy, *inter alia*, their right of political participation, their right to freedom of association and their right to education. On the part of the government this further requires respect for the rule of law, effective administration, respect for property rights, the absence of corruption, and other aspects of good governance.

While this task is primarily the responsibility of national governments, the international community should support and supplement these efforts through effective co-operation. The EU continued to affirm its commitment in this respect, while noting that international conditions cannot make up for deficiencies in national governments' policies. At the 55th Commission on Human Rights the EU welcomed the 1998 G8 Summit's initiative for debt relief of poor and heavily indebted countries.

Further, the right to development is an important element of the European Union's Agreements, notably with developing countries. Strengthening of democracy, the rule of law and respect for human rights are explicit objectives of the Union's development co-operation. In the same vein, the EU welcomes the action of the UN High Commissioner for Human Rights to further integrate the right to development into the work of the entire UN system, including her efforts to strengthen ties with the international financial institutions.

6. CONCLUDING REMARKS

The publishing of this first Annual Human Rights Report represents an effort to make the EU's human rights policies more consistent and more transparent. The human rights policy of the EU is in a dynamic phase. In this Report, EU action in various fields of activity and across the different pillars has been collected together. This is intended to serve as a basis for discussion both within the EU institutions and elsewhere on ways and means to make the EU's human rights policies more coherent, more result-oriented and more successful.

The primary responsibility for protecting and promoting human rights lies with governments. However, the role of civil society is crucial. Human rights policies cannot be conducted in a meaningful and sustainable way unless based on the broad support of society at large. The EU is very conscious of the lively interest of NGOs, the media, other actors and private individuals in EU action in this area. The publishing of this Report indicates a wish to intensify dialogue with interested parties in the field of human rights.

As the name suggests, the EU Human Rights Report will be published annually. The time frame from the beginning of June 1998 until the end of June 1999, has been chosen as the basis of the Reports. The emphasis on external relations will in future be complemented by choosing themes with regard to which EU action in the EU area will be considered. Feedback received on the basis of this first edition will be taken into account when developing the structure and the contents of the forthcoming editions.

ANNEXES

- 1 Amsterdam Treaty (a few excerpts, eg. art. 6, 7, 13)
 - 2 Vienna Declaration of the EU of 10 December 1998 (excerpts)
 - 3 Common Position on Human Rights, Democratic Principles, Rule of Law and Good Governance in Africa
 - 4 Common Strategy on Russia
 - 5 Joint Action on Support for the democratic process in Nigeria
 - 6 Human Rights clause in Lomé IV Treaty
 - 7 Guidelines on EU policy against death penalty
 - 8 Guidelines on EU policy on electoral observation
 - 9 Code of Conduct on Arms Exports
 - 10 Statement by FM Fischer at the Commission on Human Rights 55 on behalf of the EU
 - 11 Presidency statement at the Commission on Human Rights 55 on country situations
 - 12 Human Rights Instruments
 - 13 Human Rights Instruments signed by EU Member States
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ANNEX 1

TREATY ON EUROPEAN UNION

(Consolidated version incorporating the changes made by the Treaty of Amsterdam)

Article 6 (ex Article F)

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

Article 7 (ex Article F.1)

1. The Council, meeting in the composition of the Heads of State or Government and acting by unanimity on a proposal by one third of the Member States or by the Commission and after obtaining the assent of the European Parliament, may determine the existence of a serious and persistent breach by a Member State of principles mentioned in Article 6 (1), after inviting the government of the Member State in question to submit its observations.
2. Where such a determination has been made, the Council, acting by a qualified majority, may decide to suspend certain of the rights deriving from the application of this Treaty to the Member State in question, including the voting rights of the representative of the government of that Member State in the Council. In doing so, the Council shall take into account the possible consequences of such a suspension on the rights and obligations of natural and legal persons.

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

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

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

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

THE TREATY ESTABLISHING THE EUROPEAN COMMUNITY

(Consolidated version incorporating the changes made by the Treaty of Amsterdam)

Article 13 (ex Article 6a)

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

ANNEX 2

DECLARATION OF THE EUROPEAN UNION ON THE OCCASION OF THE 50TH ANNIVERSARY OF THE UNIVERSAL DECLARATION ON HUMAN RIGHTS, VIENNA, 10 DECEMBER 1998

A.

On the occasion of the 50th Anniversary of the adoption of the Universal Declaration of Human Rights, the Union recalls the primary importance that it attaches to this Declaration. It constitutes the foundation for national, regional and global policies to advance and ensure human dignity world-wide.

The universality and indivisibility of human rights and the responsibility for their protection and promotion, together with the promotion of pluralistic democracy and effective guarantees for the rule of law, constitute essential objectives for the European Union as a union of shared values and serve as a fundamental basis for our action.

The human being is at the centre of our policies. Ensuring the human dignity of every individual remains our common goal. The full realisation of the rights of women and children deserve in particular to be highlighted as neglect in this respect remains widespread.

The protection and promotion of human rights and fundamental freedoms, for which Governments have responsibility, contributes to prosperity, justice, and peace in the world. However, these goals cannot be realised without the work of international organisations, civil society and individuals.

The Union pledges its continuing support for the further promotion and protection of human rights, in fulfilment of the Treaty on the European Union, the European Convention on the Protection of Human Rights and Fundamental Freedoms and the Declarations of the European Council of Luxembourg 1991 and 1997, and adopts the following Declaration:

B.

I. Since the adoption, fifty years ago, of the Universal Declaration of Human Rights, the Union has witnessed progress in the field of human rights and the spread of democracy throughout the world. At the same time, however, the Union remains aware of threats to progress and the need to strengthen its determination and efforts for the world-wide realisation of all human rights for all.

II. The adoption of the Universal Declaration initiated an irreversible process of awareness-building in civil society on human rights and fundamental freedoms throughout the world. The Declaration constitutes, in particular, the foundation for the subsequent development of an impressive body of important international legal instruments, including the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. The 1993 Vienna World Conference on Human Rights reconfirmed the universality and indivisibility of all human rights. The Union calls upon all countries that have not yet done so to become a party to all major human rights treaties.

The implementation of the Universal Declaration and of the other international human rights instruments is of paramount importance for the universal character of the rights laid down therein to become a reality. There can be no valid exemption from the principles enshrined in those instruments through special provisions based on national, cultural or religious considerations. The 50th Anniversary of the Universal Declaration is a time to take stock, and a time to redouble efforts to promote the implementation of human rights in all countries in the

world. The Union seizes this opportunity to reaffirm its commitment to realise all human rights for all.

Mindful of the Declaration of the European Council of 28/29 June, 1991, in Luxembourg, the Union recognises and welcomes the achievements since the adoption of the Universal Declaration. The Union feels compelled, however, to deplore the persistence of violations of human rights throughout the world. The Union reaffirms that it is the legitimate and permanent responsibility of the international community and of all States acting individually or collectively to promote and safeguard human rights throughout the world. The Union for its part will continue to take up violations wherever they occur. At the same time the Union welcomes the fact that an increasing number of States work together with the EU on the basis of partnership to promote human rights and to ensure their universality.

During the past fifty years, throughout the world, thousands of women and men have fought for the protection of those values, often paying a heavy toll. The Union pays tribute to their courageous actions that shall inspire the EU in its determination to promote the rights enshrined in the Declaration.

The Union welcomes, in this context, the adoption of a Declaration on Human Rights Defenders by the General Assembly of the United Nations. Individuals and non-governmental organisations throughout the world are making indispensable and courageous contributions to safeguarding and promoting human rights. They need continuing strong support.

III. The European Union, which is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, shares the values in which the Declaration is rooted. It is conscious of the need to promote human rights in its own countries. Both internally and externally, respect for human rights as proclaimed in the Universal Declaration is one of the essential components of the activities of the Union. In their activities, the institutions of the Union respect human rights as guaranteed by the European Convention on the Protection of Human Rights and Fundamental Freedoms and as resulting from the constitutional traditions common to the Member States, under the control of the Court of Justice of the European Communities. Equally, Member States are bound by the European Convention and their actions are submitted to the supervision of the European Court of Human Rights. With the entry into force of the Treaty of Amsterdam, respect for human rights and fundamental freedoms will be a condition for accession to the European Union, and a serious and persistent breach of these rights may lead to the suspension of rights of a Member State.

Moreover, the Amsterdam Treaty will further strengthen the commitment to safeguard and promote human rights and fundamental freedoms, especially by measures against discrimination in a wide range of fields including by strengthening the possibilities of ensuring equal opportunities for men and women. Furthermore, aware of the European Social Charter and the Community Charter on Basic Social Rights of Workers, it defines aims in the field of basic social rights. The European Union in its co-operation in the field of justice and security will also be guided by its respect for human rights.

Respect for human rights and fundamental freedoms is also one of the objectives of the Union's Common Foreign and Security Policy as well as of its development co-operation. The Union pursues this goal both in its bilateral relations with third countries and in the framework of the United Nations and other multilateral fora, in particular the Organisation for Security and Co-operation in Europe, and the Council of Europe.

In pursuit of its policy of promoting human rights in all parts of the world, the Union regularly raises human rights questions in its dialogue with third countries, as an important and legitimate part of this dialogue, and in demarches as well as declarations.

The European Community has included in the agreements it concludes a clause which makes respect for human rights, in particular as contained in the Universal Declaration on Human

Rights, an essential element for its agreement to be bound. The Union thus assumes its responsibility for the promotion and protection of human rights as a legitimate concern of the international community, while reaffirming that this protection and promotion remain the primary responsibility of each and every government.

The Union expresses its preoccupation about recent incidents of racism and xenophobia, both within the Union and throughout the world, and will work actively towards achieving meaningful results at the World Conference on Racism. A range of practical measures complement the Union's efforts in these fields; the Union wishes to highlight, in this context, notably the activities of the Vienna Monitoring Centre on Racism and Xenophobia.

The Union has decided this year to reinforce its efforts for the universal abolition of the death penalty as a strongly held policy agreed by the EU. Where the death penalty still exists, the Union calls for its use to be restricted, and demands that it be carried out only in accordance with international safeguards. The Union is also pressing, where relevant, for moratoria to be introduced.

The Union accords high importance to supporting efforts for the promotion of democracy, respect for human rights, the rule of law, and good governance. The Union therefore provides support for a wide range of projects and programmes in these fields throughout the world.

The Union and its Member States are committed to co-operating with international human rights mechanisms at the global and regional levels. The Union actively supports the action of the UN High Commissioner for Human Rights and her activities, especially at the field level. The Union encourages the efforts by the UN Secretary General towards better integrating human rights into the broad range of UN activities.

The Union particularly welcomes the adoption of the Statute of a permanent International Criminal Court to try the most serious crimes and violations of humanitarian law of concern to the international community and calls for an early ratification of this statute.

IV. These policies must be continued and, where necessary, strengthened and improved. In this regard, it is important that the Union reinforce its capacity to achieve its objectives on the protection and promotion of human rights and fundamental freedoms. In this context, the Union is determined to ensure respect for human rights in all its actions. In particular the Union will consider concrete measures such as:

- 1) enhance the capacity to jointly assess the human rights situation in the world by closer co-ordination and otherwise ensure that all pertinent means for action are available within the framework of the Union, including through the possible publication of an annual EU human rights report;
- 2) further develop cooperation in the field of human rights, such as education and training activities, in coordination with other relevant organisations, and ensure the continuation of the Human Rights Masters Programme organised by fifteen European universities;
- 3) reflect on the usefulness of convening a periodic human rights discussion forum with the participation of EU institutions as well as representatives of academic institutions and NGOs;
- 4) strengthen the capacities to respond to international operational requirements in the field of human rights and democratisation, such as through the possible establishment of a common roster of European human rights and democracy experts, for human rights field operations and electoral assistance and monitoring;

- 5) foster the development and consolidation of democracy and the rule of law and respect for human rights and fundamental freedoms in third countries, in particular through working towards the earliest possible adoption of the draft regulations, currently under consideration in the EU framework, on the implementation of co-operation operations;
 - 6) ensure all means to achieve the coherent realisation of these goals, including through the consideration of strengthening relevant EU structures.
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ANNEX 3

COMMON POSITION

of 25 May 1998

**defined by the Council on the basis of Article J.2
of the Treaty on European Union, concerning human rights,
democratic principles, the rule of law
and good governance in Africa**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article J.2 thereof,

Whereas under Article J.1(2) of the Treaty on European Union, one of the objectives of the Common Foreign and Security Policy is to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms;

Whereas the Council and representatives of the Member States meeting in the Council adopted a Resolution on human rights, democracy and development on 28 November 1991;

Whereas under Articles 4 and 5 of the Fourth ACP-EC Convention, signed at Lomé on 15 December 1989 as revised by the agreement signed in Mauritius on 4 November 1995, the work undertaken by the Community and its Member States in the framework of ACP/EC Cooperation must take into account the human dimension and is based on the respect of human rights, democratic principles, the rule of law and good governance;

Whereas under Article 3 of Common Position 97/356/CFSP on conflict prevention and resolution in Africa adopted on 2 June 1997, the Council notes that, in accordance with the relevant procedures, steps will be taken to ensure coordination of the efforts of the European Community and those of the Member States in development cooperation and the support for human rights, democracy, the rule of law and good governance;

Whereas human rights are universal, indivisible, interdependent and intrinsically linked,

HAS DEFINED THIS COMMON POSITION:

Article 1

The objective of the Union is to work in partnership with African countries to promote respect for human rights, democratic principles, the rule of law and good governance. This approach shall serve as a framework for the actions of the Member States.

The aim of this Common Position is to contribute to the coherence of Union external activities in Africa, including appropriate policy responses. The Union recognises that democratisation is a process which can be assisted by appropriate support from the international community, including the Union, and that many African countries have successfully introduced reforms in recent years which have improved the ability of individuals to enjoy human rights and democratic processes.

Article 2

The Union fully recognises the right of sovereign states to establish their own constitutional arrangements and to institute their own administrative structures according to their history,

culture, tradition and social and ethnic composition. In this framework, the Union is committed to encourage and support the on-going democratisation process in Africa on the basis of respect for the following principles:

- (a) Protection of human rights (civil and political, and social, economic and cultural).
- (b) Respect of basic democratic principles, including:
 - the right to choose and change leaders in free and fair elections,
 - separation of legislative, executive and judicial powers,
 - guarantees of freedom of expression, information, association and political organisation.
- (c) The rule of law, which permits citizens to defend their rights and which implies a legislative and judicial power giving full effect to human rights and fundamental freedoms and a fair, accessible and independent judicial system.
- (d) Good governance, including the transparent and accountable management of all a country's resources for the purposes of equitable and sustainable development.

Article 3

(a) When deciding policy towards individual countries, the Union shall take into account their points of departure and the direction and pace of change within them, as well as the policy commitments of the respective governments. The Union shall give high priority to a positive and constructive approach that encourages human rights, democratic principles, the rule of law and good governance.

(b) The Union, working with both governments and civil society on the basis of partnership and cooperation, shall consider increasing its support for African countries in which positive changes have taken place and where the governments concerned are engaged in promoting positive change. Where changes are negative, the Union shall consider the appropriate responses that could help reverse those developments on the basis of the principles laid down in the Resolution adopted on 28 November 1991.

Article 4

The Council notes that the Commission intends to direct its action towards achieving the objectives and the priorities of this Common Position, where appropriate, by pertinent Community measures.

Article 5

Union activities in implementation of this Common Position shall be reviewed on a six monthly basis.

Article 6

This common position shall take effect on the day of its adoption.

Article 7

This common position shall be published in the Official Journal.

ANNEX 4

COMMON STRATEGY OF THE EUROPEAN UNION OF 4 JUNE 1999 ON RUSSIA

(excerpts)

THE EUROPEAN COUNCIL,

Having regard to the Treaty on European Union, in particular Article 13 thereof;

Whereas the Agreement on Partnership and Cooperation (PCA) between the European Communities, their Member States and the Russian Federation entered into force on 1 December 1997,

HAS ADOPTED THIS COMMON STRATEGY:

PART I

VISION OF THE EU FOR ITS PARTNERSHIP WITH RUSSIA

A stable, democratic and prosperous Russia, firmly anchored in a united Europe free of new dividing lines, is essential to lasting peace on the continent. The issues which the whole continent faces can be resolved only through ever closer cooperation between Russia and the European Union. The European Union welcomes Russia's return to its rightful place in the European family in a spirit of friendship, cooperation, fair accommodation of interests and on the foundations of shared values enshrined in the common heritage of European civilisation.

The European Union has clear strategic goals:

- a stable, open and pluralistic democracy in Russia, governed by the rule of law and underpinning a prosperous market economy benefitting alike all the people of Russia and of the European Union;
- maintaining European stability, promoting global security and responding to the common challenges of the continent through intensified cooperation with Russia.

The Union remains firmly committed to working with Russia, at federal, regional and local levels, to support a successful political and economic transformation in Russia. The Union and its Member States offer to share with Russia their various experiences in building modern political, economic, social and administrative structures, fully recognising that the main responsibility for Russia's future lies with Russia itself.

The European Council therefore adopts this Common Strategy to strengthen the strategic partnership between the Union and Russia at the dawn of a new century. The European Council recognises that the future of Russia is an essential element in the future of the continent and constitutes a strategic interest for the European Union. The offer of a reinforced relationship, based on shared democratic values, will help Russia to assert its European identity and bring new opportunities to all the peoples of the continent. The enlargement of the Union will further increase these benefits and opportunities.

This Common Strategy sets out the objectives as well as the means to be used by the Union in taking forward this partnership. The core of the relationship between the Union and Russia remains the Partnership and Cooperation Agreement (PCA), with its aim of promoting the

integration of Russia into a wider area of cooperation in Europe, as well as through creating the necessary conditions for the future establishment of a free trade area between the European Community and Russia. For their part the European Union and its Member States will develop the coordination, coherence and complementarity of all aspects of their policy towards Russia. The Union, the Community and its Member States will also work together with and within regional and other organisations and with like-minded partners to meet the objectives set out in this Common Strategy. The positions taken by the Member States in all relevant fora will conform to this Common Strategy. The European Council invites Russia to work with the Union on the basis of this Common Strategy to the benefit of both.

PRINCIPAL OBJECTIVES

The European Council has identified the following principal objectives:

1. Consolidation of democracy, the rule of law and public institutions in Russia

The establishment of efficient, transparent public institutions is one of the prerequisites for confidence and wider adherence to democratic guidelines and the operation of the rule of law. It constitutes the necessary foundation for economic and social development. The situation in Russia calls for the use of appropriate mechanisms and means to strengthen such institutions in terms of efficiency and responsibility.

The Union wishes to support Russia in the consolidation of its public institutions, particularly its executive, legislative and judicial bodies and its police, in accordance with democratic principles. Institutions which are essential for the operation of the economy form the second part of this objective. The European Union will attach particular importance to regional and local administrations, within their powers. Relations between central, regional and local authorities are an essential factor in the future of the Federation.

The emergence of civil society in all areas is indispensable for the consolidation of democracy in Russia. The European Union wishes to support that process, particularly by developing direct exchanges between civil society actors in Russia and the Union.

PART II

AREAS OF ACTION

The European Union shall focus on the following areas of action in implementing this Common Strategy:

1. Consolidation of democracy, the rule of law and public institutions in Russia

To enhance democracy, institution-building and the rule of law in Russia, which is a prerequisite for the development of a market economy, the Union will undertake efforts to:

- (a) Strengthen the rule of law and public institutions
 - by providing support for and by encouraging the necessary institutional reforms towards a modern and effective administration within Russia's Executive, Legislature, and Judiciary at federal, regional and local levels; in particular by developing the capacity of an independent judiciary, public

administration and accountable law enforcement structures through the promotion of contacts between judicial authorities and law enforcement bodies of the EU Member States and Russia;

- by developing training programmes for young politicians and civil servants;
- by exploring, in response to a Russian request, the scope for EU action, in cooperation with international organisations such as the OSCE, in support of the efficient conduct of free and fair Presidential and Duma elections in 1999 and 2000;
- by supporting Russian efforts to meet its international human rights commitments including those to the Council of Europe, the UN and the OSCE, and by promoting joint EU-Council of Europe activities regarding Russia in the fields of the rule of law and human rights; by giving assistance in safeguarding human rights, including those of women, children and minorities, and by enhancing programmes to promote the abolition of the death penalty.

(b) Strengthen Civic Society

- by enhancing contacts between politicians of Russia and the EU, at federal, regional and local levels including with assemblies at all levels;
 - by promoting greater cultural and educational exchanges between Russia and the EU, and deeper contacts between societies, building on the long tradition of Russia's involvement in the formation of European civilisation, in particular by reviewing and enhancing, as necessary, scholarships and student contact programmes;
 - by supporting independent NGOs;
 - by cooperating with Russia to strengthen support for refugees and internally displaced people within Russia;
 - by contributing to the freedom of the media;
 - by promoting equal opportunities for men and women.
-

ANNEX 5

JOINT ACTION

**adopted by the Council on the basis of
Article J.3 of the Treaty on European Union
in support of the democratic process
in Nigeria**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles J.3 and J.11 thereof,

Having regard to the general guidelines contained in the Conclusions adopted by the European Council in Madrid on 15-16 December 1995,

Whereas on 30 October 1998, the Council adopted, on the basis of Article J.2 of the Treaty, Common Position 98/614/CFSP and issued a Declaration concerning Nigeria, which indicated the EU's willingness to consider concrete measures to support the legislative and presidential elections which will take place in Nigeria on 20 and 27 February 1999 respectively;

Whereas, within the framework of the international effort coordinated by the United Nations, the Commission, acting on behalf of the European Community and its Member States, has undertaken a number of activities to provide assistance for the preparation of, and observers for, the elections, including support to the functioning of the Nigerian Independent National Election Commission and assistance to local election monitoring (Transition Monitoring Group);

Whereas the EU will further contribute to the support for the election process by deploying an EU contingent of election observers who will be integrated in the United Nations overall coordination structure;

Whereas, in order to guarantee EU visibility and in the absence of a UN-appointed spokesperson, the Presidency will appoint an EU spokesperson,

HAS ADOPTED THIS JOINT ACTION:

Article 1

1. The European Union shall deploy a contingent of 100 EU observers to the February 1999 elections in Nigeria within the framework of the international observer mission coordinated by the United Nations.
2. The Presidency shall appoint an EU spokesperson who will be responsible for joint EU-UN declarations and press and public relations.

Article 2

1. An amount of up to EUR 810 000 shall be charged to the general budget of the European Communities. This amount is intended to cover the operational expenditure of the EU observer mission in Nigeria and shall be managed by the UN Volunteers under the responsibility of the Commission.
2. The salary and related charges of observers designated by the EU shall be at the charge of the Member States which provide them.
3. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with Community procedures and rules applicable to the said budget.

Article 3

The Council notes that the Commission intends to direct its action towards achieving the objectives and priorities of this Joint Action, where appropriate by pertinent Community measures.

Article 4

This Joint Action shall come into force on 1 January 1999.

Article 5

This Joint Action shall be published in the Official Journal.

ANNEX 6

AGREEMENT AMENDING THE FOURTH ACP-EC CONVENTION OF LOMÉ signed in Mauritius on 4 November 1995

Article 5

1. Cooperation shall be directed towards development centred on man, the main protagonist and beneficiary of development, which thus entails respect for and promotion of all human rights. Cooperation operations shall thus be conceived in accordance with this positive approach, where respect for human rights is recognized as a basic factor of real development and where cooperation is conceived as a contribution to the promotion of these rights.

In this context development policy and cooperation shall be closely linked to respect for and enjoyment of fundamental human rights and to the recognition and application of democratic principles, the consolidation of the rule of law and good governance. The role and potential of initiatives taken by individuals and groups shall be recognized in order to achieve in practice real participation of the population in the development process in accordance with Article 13. In this context good governance shall be a particular aim of cooperation operations.

Respect for human rights, democratic principles and the rule of law, which underpins relations between the ACP States and the Community and all provisions of the Convention, and governs the domestic and international policies of the Contracting Parties, shall constitute an essential element of this Convention.

2. The Contracting Parties therefore reiterate their deep attachment to human dignity and human rights, which are legitimate aspirations of individuals and peoples. The rights in question are all human rights, the various categories thereof being indivisible and inter-related, each having its own legitimacy: non-discriminatory treatment; fundamental human rights; civil and political rights; economic, social and cultural rights.

Every individual shall have the right, in his own country or in a host country, to respect for his dignity and to protection by the law.

ACP-EC cooperation shall help abolish the obstacles preventing individuals and peoples from actually enjoying to the full their economic, social, political and cultural rights and this must be achieved through development which is essential to their dignity, their well-being and their self-fulfilment.

The Contracting Parties hereby reaffirm their existing obligations and commitment in international law to strive to eliminate all forms of discrimination based on ethnic group, origin, race, nationality, colour, sex, language, religion or any other situation. This commitment applies more particularly to any situation in the ACP States or in the Community that may adversely affect the pursuit of the objectives of the Convention. The Member States (and/or, where appropriate, the Community itself) and the ACP States will continue to ensure, through the legal or administrative measures which they have or will have adopted, that migrant workers, students and other foreign nationals legally within their territory are not subjected to discrimination on the basis of racial, religious, cultural or social differences, notably in respect of housing, education, health care, other social services and employment.

3. At the request of the ACP States, financial resources may be allocated, in accordance with the rules governing development finance cooperation, to the promotion of human rights in the ACP States and to measures aimed at democratization, a strengthening of the rule of law and good governance. Practical steps, whether public or private, to promote human rights and democracy, especially in the legal domain, may be carried out with organizations having internationally recognized expertise in this sphere.

In addition, with a view to supporting institutional and administrative reform, the resources provided for in the Financial Protocol for this purpose can be used to complement the measures taken by the ACP States concerned, within the framework of its indicative programme, in particular at the preparatory and start-up stage of the relevant projects and programmes.

Article 366a

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

2. If one Party considers that another Party has failed to fulfil an obligation in respect of one of the essential elements referred to in Article 5, it shall invite the Party concerned, unless there is special urgency, to hold consultations with a view to assessing the situation in detail and, if necessary, remedying it.

For the purposes of such consultations, and with a view to finding a solution:

- the Community side shall be represented by its Presidency, assisted by the previous and next Member States to hold the Presidency, together with the Commission,

- the ACP side shall be represented by the ACP State holding the co-presidency, assisted by the previous and next ACP States to hold the co-presidency. Two additional members of the ACP Council of Ministers chosen by the party concerned shall also take part in the consultations.

The consultations shall begin no later than 15 days after the invitation and as a rule last no longer than 30 days.

3. At the end of the period referred to in the third subparagraph of paragraph 2 if in spite of all efforts no solution has been found, or immediately in the case of urgency or refusal of consultations, the Party which invoked the failure to fulfil an obligation may take appropriate steps, including, where necessary, the partial or full suspension of application of this Convention to the Party concerned. It is understood that suspension would be a measure of last resort.

The party concerned shall receive prior notification of any such measure which shall be revoked as soon as the reasons for taking it have disappeared.

ANNEX 7

GUIDELINES - EU POLICY TOWARDS THIRD COUNTRIES

ON THE DEATH PENALTY

I INTRODUCTION

(i) The United Nations, inter alia in the ICCPR, the CRC and in the ECOSOC Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, has established strict conditions only under which the death penalty may be used. The Second Optional Protocol to the ICCPR provides for states to commit themselves to permanent abolition of the death penalty. The European Union has now moved beyond this and now espouses abolition for itself and others.

(ii) At its 53rd session, and at its 54th session in a resolution sponsored by all EU countries, the UN Commission on Human Rights called on countries which maintained the death penalty:

- progressively to restrict the number of offences for which it may be imposed;

- to establish a moratorium on executions with a view to completely abolishing the death penalty.

(iii) At the October 1997 Council of Europe Summit, Heads of Government, including all EU member states, called for universal abolition of the death penalty. Moreover, new member states of the Council of Europe have committed themselves to moratoria and to ratify the 6th Protocol of the ECHR committing them to permanent abolition.

(iv) The 1997 Amsterdam Treaty of the European Union noted that since the signature of the 6th Protocol to the European Convention on Human Rights, the death penalty had been abolished in a majority of EU member states, and had not been used in any of them.

(v) In the OSCE, participating States are committed under the Copenhagen document to exchange information on the abolition of the death penalty and to make this available to the public. The EU fulfils this by regular statements within the OSCE's Human Dimension framework.

(vi) The statutes of the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda, both of which the EU supported, contain no provision for the death penalty, notwithstanding the fact that they were set up to deal with mass violations of humanitarian law including genocide.

II OPERATIONAL PAPER

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

The objectives of the European Union are:

- to work towards universal abolition of the death penalty as a strongly held policy view agreed by all EU member states;

- where the death penalty still exists, to call for its use to be progressively restricted and to insist that it be carried out according to minimum standards as set out in the attached paper.

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

The European Union will intensify its initiatives, including declarations or demarches on the death penalty, in international fora and towards other countries, in the light of the attached Minimum Standards Paper.

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

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

GENERAL DEMARCHES

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

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

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

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

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

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

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

INDIVIDUAL CASES

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

Speed will often be essential in these cases. Member states proposing such demarches should therefore provide as much background as possible drawing on all available sources.

This should include brief details of the alleged crime, criminal proceedings, the precise nature of the violation of the minimum standards, the status of any appeal and, if known, the expected date of execution.

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

HUMAN RIGHTS REPORTING

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

POSSIBLE RESULTS OF EU INTERVENTIONS: OTHER INITIATIVES

The EU's objective, where possible, is to persuade third countries to abolish the death penalty. To this end, the EU will encourage countries to consider acceding to the Second Optional Protocol to the ICCPR and comparable regional instruments. Additionally, where this is not possible, the EU will nevertheless maintain abolition as an objective, and will:

- Encourage states to ratify and comply with international human rights instruments, especially those relating to the use of the death penalty, including the ICCPR;
- Raise the issue in multilateral fora and work towards moratoria on the use of the death penalty and, in due course, abolition;
- Encourage relevant international organisations to take appropriate steps to encourage states to ratify and comply with international standards relating to the death penalty;
- Encourage and offer bilateral and multilateral cooperation, inter alia in collaboration with civil society, including in the legal field with the aim of establishing a fair and impartial judicial process for criminal cases.

III MINIMUM STANDARDS PAPER

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

(i) Capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes with lethal or other extremely grave consequences. The death penalty should not be imposed for non-violent financial crimes or for non-violent religious practice or expression of conscience.

(ii) Capital punishment may be imposed only for a crime for which the death penalty was prescribed at the time of its commission, it being understood that if, subsequent to the commission of the crime, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.

(iii) Capital punishment may not be imposed on:

- persons below 18 years of age at the time of the commission of their crime;
- pregnant women or new mothers;
- persons who have become insane.

(iv) Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for alternative explanation of the facts.

(v) Capital punishment must only be carried out pursuant to a final judgement rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in Article 14 of the International Covenant on Civil and Political Rights, including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings, and where appropriate, the right to contact a consular representative.

(vi) Anyone sentenced to death shall have an effective right to appeal to a court of higher jurisdiction, and steps should be taken to ensure that such appeals become mandatory.

(vii) Where applicable, anyone sentenced to death shall have the right to submit an individual complaint under international procedures; the death sentence will not be carried out while the complaint remains under consideration under those procedures.

(viii) Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases of capital punishment.

(ix) Capital punishment may not be carried out in contravention of a state's international commitments.

(x) The length of time spent after having been sentenced to death may also be a factor.

(xi) Where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering. It may not be carried out in public or in any other degrading manner.

(xii) The death penalty should not be imposed as an act of political revenge in contravention of the minimum standards, eg against coup plotters.

ANNEX 8

GUIDELINES - EU POLICY ON ELECTORAL OBSERVATION

PRECONDITIONS FOR OBSERVATION

Minimum Standards

1. The observation of elections is an important component of the EU's policy of promoting human rights and democratisation throughout the world. The EU undertakes such activities on the basis of partnership and with the objective of developing national capacity.

2. A number of legal and political factors must be taken into account in reaching a decision whether to send observers to a particular electoral process. The EU will wish to ascertain that its involvement in monitoring is likely to promote further democratisation in the country concerned. Such judgements may prove difficult but can be assisted inter alia by seeking legal and political assessments by EU HOMs.

3. The general standard for minimum conditions will include the following factors:

- Franchise is genuinely universal;
- Political parties and individual candidates are able to enjoy their legitimate right to take part in the election;
- There is freedom of expression allowing possible criticism of the incumbent government and the right to free movement and assembly;
- All contesting parties and candidates have reasonable access to the media.

4. If the EU judges there to be no possibility of elections being held under such minimum conditions a decision may be taken that no electoral observers should be sent, in order to avoid giving credibility to flawed electoral processes. However the EU's judgement will also include factors such as whether this is the first election following a period of conflict or oppression and whether the elections accompany a peace process and possibly return of refugees.

Preparations for Mission

5. After a decision in principle has been made to offer to observe, and an invitation has been received, the concrete needs, scope and degree of involvement of the EU's observation shall be assessed if necessary by sending a needs assessment mission. This must be accompanied by an early dialogue with the national authorities. Specific terms of reference for the observation mission will then be drawn up by the EU and agreed with the country concerned.

Preconditions for the Work of Observers

6. Even when it is possible that free and fair elections may take place, the EU will only send election observers to a country when :

- It has been formally requested to monitor the election by the recognised government of the host country;
- The involvement of EU observers is supported by all the main contesting political parties or candidates;
- The EU has previously been monitoring political developments in the host country for a period of time, and has the political capacity to assess developments through EU HOMs;
- There is enough lead time for the leaders of any EU monitoring team to be in place sufficiently in advance, in order to monitor the political and judicial environment and take part as appropriate in preparatory work ahead of the election campaign itself.

7. Before observers can be sent the EU must be satisfied that they will have:

- Clearly stated objectives, written and agreed with the host country well in advance;
- Freedom of access to all political parties, candidates and election officials;
- Freedom of access to all polls and counting centres at all times;
- Freedom of movement throughout the country, without prior permission or notification, except where genuine security concerns prohibit this;
- All necessary information about the electoral process;
- No doubts as to their own safety.

CODE OF CONDUCT

The following guidelines will apply to nationals of any country participating in EU observation missions decided by the EU unless specifically agreed otherwise. The guidelines will not apply to EU nationals participating in e.g. OSCE or UN missions, in which case these organisation's codes would apply.

All official EU observers should adhere to the following guidelines:

- Respect the laws of the land. Observers enjoy no special immunities as an international observer, unless the host country so provides;
- Observers will participate in all pre-election briefings with their supervising officers;
- Observers will be subject to the direction and management of the observer team leadership, carrying out their written terms of reference, and covering the geographical schedules specified by team leaders;
- Observers should be aware of the presence of other electoral monitoring teams, and liaise with them under the direction of the leader of the EU observer team;
- Observers will carry the prescribed identification issued by the host government or election commission, and will identify themselves to any interested authority upon request;

- Observers shall maintain strict impartiality in the conduct of their duties, and shall at no time express any bias or preference in relation to national authorities, parties, candidates, or with reference to any issues in contention in the election process;
- Observers will not display or wear any partisan symbols, colours or banners;
- Observers will undertake their duties in an unobtrusive manner, and will not disrupt or interfere with the election process, polling day procedures, or the vote count;
- Observers may bring irregularities to the attention of the election officials, but will not give instructions or countermand decisions of the election officials;
- Observers will base all conclusions on well documented, factual, and verifiable evidence, and will keep a record of the polling stations and other relevant places that they visit;
- Observers will refrain from making any personal or premature comments about their observations to the media or any other interested persons, but should provide, through a designated liaison officer or spokesperson, general information about the nature of their activities as observers;
- Observers will participate in post election day debriefings with their supervising officers and will contribute fully towards appropriate EU reports on the elections monitored;
- Observers must comply with all national laws and regulations. Where these limit freedom of assembly or movement about the country, they must note where such rules prevent them from carrying out their duties;
- At all times during the mission, including during private time away from work, each election observer should behave blamelessly, exercise sound judgement, and observe the highest levels of personal discretion.

GENERAL GUIDELINES FOR OBSERVERS WHEN VISITING POLLING STATIONS

The following general guidelines should also be noted by EU election observers for their conduct on polling days:

- Introduce yourself to the Chairperson of the polling station when you arrive. Establishing a working relationship with the electoral commission will assist your observation, and is particularly important for the count;
- Comply with the instructions of officials at the polling stations. If you are dissatisfied with an official instruction record the circumstances on the appropriate observation report;
- If an official prevents you from doing something which you believe you are entitled to do, point this out. Refer if possible to the relevant provisions of the law;
- Avoid confrontations with security personnel;
- Be prepared to present your passport and accreditation to any officials who request them. Keep these documents with you at all times;
- Maintain complete impartiality at all times;
- Treat all information received in confidence;

- Avoid disrupting the voting and counting process;
- Under no circumstances should you handle official election documents in the polling station or physically assist the voting or counting process;
- Do not use or carry photography, video, or recording equipment when undertaking your duties as an observer;
- Be prepared to note your conversations and comments made to you. Ask questions and in particular ask for concrete examples when general statements are made;
- Do not attempt to take an active role in resolving any disputes or complaints, even if asked to. Your role is to observe and record events at the polling stations;
- Record any complaints made to you on the appropriate observation form, including details of the complainant: name, organisation (where relevant), and address;
- Exercise sensible restraint if offered food or drink at polling stations;
- Be conscious that your conduct is likely to be closely observed. Try not to be enthusiastic or overtly friendly if you meet a candidate's proxy or representative whom you already know;
- Try not to give the impression of rushing from one polling station to another.

Entitlements of Election Observers

As an accredited EU election observer, you are entitled to:

- Visit any polling station under the direction of the supervising officers of the mission to observe voting and counting;
- Meet with members of election commissions, MPs, candidates or their proxies, voters, and representatives of civil society in order to gather information;
- Ask questions about the voting and counting process to members of electoral commissions and to superior electoral commissions, but you do not have the right to countermand the decisions of election officials.

FACTORS TO BE ASSESSED BY THE OBSERVER MISSION

When assessing the validity of an election the EU observer mission must consider all the relevant factors that affect the electoral process. The following factors should be considered:

- The degree of impartiality shown by the election management body;
- The degree of freedom of political parties, alliances and candidates to organise, move, assemble and express their views publicly;
- The fairness of access to state resources made available for the election;
- The fairness of access for political parties, alliances and candidates to the media, in particular the state media;
- The registration of voters without discrimination on the basis of gender, racial or ethnic origin;
- Any other issue that concerns the essential freedom and fairness of the election;
- The conduct of polling and counting of votes as described in the electoral law.

Media statements and Election Observers

- Make no comment whatsoever about the electoral process and do not be drawn into general contact with members of the media. In all cases journalists who seek comment on the electoral process should be referred to the authorised spokesperson of the mission;
 - Do not make general statements about the conduct of the election as you may prejudice any final statement made on behalf of all EU observers;
 - The EU observer mission will make a statement to the media on behalf of the EU observers after everyone has had a chance to report their observations.
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ANNEX 9

EUROPEAN UNION CODE OF CONDUCT ON ARMS EXPORTS

THE COUNCIL OF THE EUROPEAN UNION,

BUILDING on the Common Criteria agreed at the Luxembourg and Lisbon European Councils in 1991 and 1992,

RECOGNIZING the special responsibility of arms exporting states,

DETERMINED to set high common standards which should be regarded as the minimum for the management of, and restraint in, conventional arms transfers by all Member States, and to strengthen the exchange of relevant information with a view to achieving greater transparency,

DETERMINED to prevent the export of equipment which might be used for internal repression or international aggression or contribute to regional instability,

WISHING within the framework of the Common Foreign and Security Policy (CFSP) to reinforce cooperation and to promote convergence in the field of conventional arms exports,

NOTING complementary measures taken against illicit transfers, in the form of the EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms,

ACKNOWLEDGING the wish of Member States to maintain a defence industry as part of their industrial base as well as their defence effort,

RECOGNIZING that States have a right to transfer the means of self-defence, consistent with the right of self-defence recognized by the UN Charter,

HAS DRAWN UP the following Code of Conduct together with Operative Provisions:

CRITERION ONE

Respect for the international commitments of Member States, in particular the sanctions decreed by the UN Security Council and those decreed by the Community, agreements on non-proliferation and other subjects, as well as other international obligations.

An export licence should be refused if approval would be inconsistent with, *inter alia*:

- (a) the international obligations of Member States and their commitments to enforce UN, OSCE and EU arms embargoes;
- (b) the international obligations of Member States under the Nuclear Non-Proliferation Treaty, the Biological and Toxin Weapons Convention and the Chemical Weapons Convention;

- (c) the commitments of Member States in the framework of the Australia Group, the Missile Technology Control Regime, the Nuclear Suppliers Group and the Wassenaar Arrangement;
- (d) the commitment of Member States not to export any form of anti-personnel landmine.

CRITERION TWO

The respect of human rights in the country of final destination

Having assessed the recipient country's attitude towards relevant principles established by international human rights instruments, Member States will:

- (a) not issue an export licence if there is a clear risk that the proposed export might be used for internal repression.
- (b) exercise special caution and vigilance in issuing licences, on a case-by-case basis and taking account of the nature of the equipment, to countries where serious violations of human rights have been established by the competent bodies of the UN, the Council of Europe or by the EU;

For these purposes, equipment which might be used for internal repression will include, inter alia, equipment where there is evidence of the use of this or similar equipment for internal repression by the proposed end-user, or where there is reason to believe that the equipment will be diverted from its stated end-use or end-user and used for internal repression. In line with paragraph 1 of the Operative Provisions of this Code, the nature of the equipment will be considered carefully, particularly if it is intended for internal security purposes. Internal repression includes, inter alia, torture and other cruel, inhuman and degrading treatment or punishment, summary or arbitrary executions, disappearances, arbitrary detentions and other major violations of human rights and fundamental freedoms as set out in relevant international human rights instruments, including the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights.

CRITERION THREE

The internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts

Member States will not allow exports which would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination.

CRITERION FOUR

Preservation of regional peace, security and stability

Member States will not issue an export licence if there is a clear risk that the intended recipient would use the proposed export aggressively against another country or to assert by force a territorial claim.

When considering these risks, Member States will take into account inter alia:

- (a) the existence or likelihood of armed conflict between the recipient and another country;

- (b) a claim against the territory of a neighbouring country which the recipient has in the past tried or threatened to pursue by means of force;
- (c) whether the equipment would be likely to be used other than for the legitimate national security and defence of the recipient;
- (d) the need not to affect adversely regional stability in any significant way.

CRITERION FIVE

The national security of the Member States and of territories whose external relations are the responsibility of a Member State, as well as that of friendly and allied countries

Member States will take into account:

- (a) the potential effect of the proposed export on their defence and security interests and those of friends, allies and other Member States, while recognizing that this factor cannot affect consideration of the criteria on respect for human rights and on regional peace, security and stability;
- (b) the risk of use of the goods concerned against their forces or those of friends, allies or other Member States;
- (c) the risk of reverse engineering or unintended technology transfer.

CRITERION SIX

The behaviour of the buyer country with regard to the international community, as regards in particular its attitude to terrorism, the nature of its alliances and respect for international law

Member States will take into account inter alia the record of the buyer country with regard to:

- (a) its support or encouragement of terrorism and international organized crime;
- (b) its compliance with its international commitments, in particular on the non-use of force, including under international humanitarian law applicable to international and non-international conflicts;
- (c) its commitment to non-proliferation and other areas of arms control and disarmament, in particular the signature, ratification and implementation of relevant arms control and disarmament conventions referred to in point (b) of Criterion One.

CRITERION SEVEN

The existence of a risk that the equipment will be diverted within the buyer country or re-exported under undesirable conditions

In assessing the impact of the proposed export on the importing country and the risk that exported goods might be diverted to an undesirable end-user, the following will be considered:

- (a) the legitimate defence and domestic security interests of the recipient country, including any involvement in UN or other peace-keeping activity;

- (b) the technical capability of the recipient country to use the equipment;
- (c) the capability of the recipient country to exert effective export controls;
- (d) the risk of the arms being re-exported or diverted to terrorist organizations (anti-terrorist equipment would need particularly careful consideration in this context).

CRITERION EIGHT

The compatibility of the arms exports with the technical and economic capacity of the recipient country, taking into account the desirability that states should achieve their legitimate needs of security and defence with the least diversion for armaments of human and economic resources

Member States will take into account, in the light of information from relevant sources such as UNDP, World Bank, IMF and OECD reports, whether the proposed export would seriously hamper the sustainable development of the recipient country. They will consider in this context the recipient country's relative levels of military and social expenditure, taking into account also any EU or bilateral aid.

OPERATIVE PROVISIONS

1. Each Member State will assess export licence applications for military equipment made to it on a case-by-case basis against the provisions of the Code of Conduct.
2. The Code of Conduct will not infringe on the right of Member States to operate more restrictive national policies.
3. Member States will circulate through diplomatic channels details of licences refused in accordance with the Code of Conduct for military equipment together with an explanation of why the licence has been refused. The details to be notified are set out in the form of a draft pro-forma set out in the Annex hereto. Before any Member State grants a licence which has been denied by another Member State or States for an essentially identical transaction within the last three years, it will first consult the Member State or States which issued the denial(s). If following consultations, the Member State nevertheless decides to grant a licence, it will notify the Member State or States issuing the denial(s), giving a detailed explanation of its reasoning.

The decision to transfer or deny the transfer of any item of military equipment will remain at the national discretion of each Member State. A denial of a licence is understood to take place when the Member State has refused to authorize the actual sale or physical export of the item of military equipment concerned, where a sale would otherwise have come about, or the conclusion of the relevant contract. For these purposes, a notifiable denial may, in accordance with national procedures, include denial of permission to start negotiations or a negative response to a formal initial enquiry about a specific order.

4. Member States will keep such denials and consultations confidential and not use them for commercial advantage.

5. Member States will work for the early adoption of a common list of military equipment covered by the Code of Conduct, based on similar national and international lists. Until then, the Code of Conduct will operate on the basis of national control lists incorporating where appropriate elements from relevant international lists.
 6. The criteria in the Code of Conduct and the consultation procedure provided for by paragraph 3 of these Operative Provisions will also apply to dual-use goods as specified in Annex 1 to Council Decision 94/942/CFSP (), where there are grounds for believing that the end-user of such goods will be the armed forces or internal security forces or similar entities in the recipient country.
 7. In order to maximize the efficiency of the Code of Conduct, Member States will work within the framework of the CFSP to reinforce their cooperation and to promote their convergence in the field of conventional arms exports.
 8. Each Member State will circulate to other Member States in confidence an annual report on its defence exports and on its implementation of the Code of Conduct. These reports will be discussed at an annual meeting held within the framework of the CFSP. The meeting will also review the operation of the Code of Conduct, identify any improvements which need to be made and submit to the Council a consolidated report, based on contributions from Member States.
 9. Member States will, as appropriate, assess jointly through the CFSP framework the situation of potential or actual recipients of arms exports from Member States, in the light of the principles and criteria of the Code of Conduct.
 10. It is recognized that Member States, where appropriate, may also take into account the effect of proposed exports on their economic, social, commercial and industrial interests, but that these factors will not affect the application of the above criteria.
 11. Member States will use their best endeavours to encourage other arms exporting states to subscribe to the principles of the Code of Conduct.
 12. The Code of Conduct and Operative Provisions will replace any previous elaboration of the 1991 and 1992 Common Criteria.
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ANNEX 10

55TH SESSION OF THE COMMISSION ON HUMAN RIGHTS (GENEVA, 22 MARCH - 30 APRIL 1999)

STATEMENT BY MR JOSEPH FISCHER FEDERAL MINISTER FOR FOREIGN AFFAIRS OF THE FEDERAL REPUBLIC OF GERMANY ON BEHALF OF THE EUROPEAN UNION

GENEVA, 23 MARCH 1999

I have the honour to speak to you today on behalf of the European Union. The Central and Eastern European Countries associated with the European Union - Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia - and the associated country Cyprus have expressed the wish to align themselves with this statement.

First of all I should like to congratulate you, Ambassador Anderson, on taking over the chair of the 55th session of the Commission on Human Rights. I wish you every success in this responsible office.

The Commission on Human Rights has set itself ambitious targets this year. And that is absolutely essential because 50 years after the Universal Declaration of Human Rights expectations and reality are still far apart. Admittedly encouraging progress has been made: today more people than ever before live in democratic systems and the general awareness of the importance of human rights has grown; this is largely a result of the work of the Commission on Human Rights as well as the many NGOs active in this area.

Nevertheless, it must be emphasized that the implementation of and respect for human rights in the world remains completely insufficient. Violations of fundamental human rights unfortunately remain the order of the day in many countries. According to Amnesty International there are still government-ordered murders in 55 countries and political prisoners in 87 countries. In many countries women's fundamental rights are violated, the most basic needs of the poor are ignored and children are abused by turning them into soldiers. In wars and conflicts it is mainly children, women, old people and refugees who die. Uninhibited, brute force against the civilian population that none of us can comprehend has flared up recently in many parts of Central Africa and Asia.

Unfortunately, Europe is no exception here. The barbaric massacre at Racak in Kosovo has quite rightly been classified as a crime against humanity in the report of the independent investigators. Currently the situation in Kosovo is balanced on a knife-edge between war and peace. Now that the Kosovo Albanians have signed the peace treaty presented by the Contact Group, everything depends on Belgrade. From here I once again appeal to the Yugoslav Government: sign the peace plan! It is not yet too late. You can still prevent your country and the people living in it from being catapulted into a confrontation!

Ladies and gentlemen, one - very important - thing has changed in recent years: human rights have become much more important in foreign policy. There are two reasons for this:

1. Wars and conflicts today come about less because of international tensions and more because of internal tensions. And these internal tensions are often closely associated with the suppression of human and minority rights, with racism and xenophobia, but also with economic exploitation. Because of this change in the cause of conflicts, in future the individual and his rights will shift more and more into the centre of the international

community's definition of security, whereas formerly national interests were the focus of attention.

We have known for a long time that there is a fundamental link between peace, democracy and human rights. History clearly shows that democracies with a well-developed civil society hardly ever wage war against each other. The promotion of democracy and human rights is therefore the best means of safeguarding peace, not only in Europe but also in all other parts of the world.

2. Economic success cannot be ensured in the long term unless human rights are observed and guarantees are provided by a constitutional state in which the rule of law prevails. This is the key lesson to be learned from the Asian crisis last year. Freedom of the economy is contingent upon freedom of the individual, and freedom of the individual is contingent upon the observance and constitutional guarantee of human rights.

The attempt by poorer countries to open up economically while accepting the suppression of democracy and human rights cannot and will not be successful. Where human rights are not respected there is a threat not only of unrest but also of economic and social decline. And wherever there is a spiral of diminishing peace and development, respect for human rights deteriorates. The Indian recipient of the Nobel Prize for Economics, Professor Amartya Sen, proved that famines occur much less frequently in democracies than in dictatorships because governments subject to democratic accountability usually take much more care of the welfare of their people. Good governance based on human rights, the separation of powers and functioning democratic, legal and constitutional structures is therefore also of central importance for economic development. The debate about the right to development has increased our awareness of these links. At this session we should endeavour once more to find common responses to this right.

Ladies and gentlemen, for moral and ethical reasons, as well as the political reasons already mentioned, great significance is attached to the implementation of human rights in a world in which globalization plays an ever greater role. In the next six weeks our objective must be to achieve results that are as concrete and practical as possible.

In our closely interlinked world which is moving ever closer together, human rights are no longer internal affairs or cultural peculiarities. Today, the main concern is to further strengthen the generally recognised universality of human rights. The adoption of the Statute of the International Criminal Court, under which the most severe violations of human rights will be universally liable to prosecution in future, was a major step forward. I call upon all states to sign the Statute of Rome and to ratify it quickly so that the Court can commence work as soon as possible. It is imperative that dictators and perpetrators of genocide in the world can never again rely on not being called to account for their actions. Their victims are entitled to justice! At this point allow me to express the European Union's conviction that states whose justice systems kill are not meeting their responsibility to set an example to society. Europeans believe that the death penalty cannot be justified either ethically or legally and has not proved to be an effective means of combating crime. This year for the first time the EU will therefore submit a joint resolution on the death penalty, with which we intend to prevent at any rate the execution of minors or the mentally ill, enforcement before completion of ongoing procedures and extradition to countries where the death penalty is in force.

In future special priority must be given to women's rights. Unfortunately, our world is still a long way from genuine equality. In many countries women are still largely without rights and subjected to discrimination and violence. That women are almost totally deprived of rights in the areas of Afghanistan controlled by the Taliban militia is intolerable. The traffic in women and girls still practised in some countries is also inhuman, as is the deplorable practice of

genital mutilation, which must be prohibited by law in all societies. Claims that any given practice is a cultural tradition must not impair the human right to physical integrity.

Just a few days ago the UN Commission on the Status of Women succeeded in adopting the Optional Protocol to the United Nations Convention on the Elimination of all Forms of Discrimination against Women. As a result women will be granted wide-ranging rights to lodge complaints at an international level - an important step forward. We hope that the required ten ratifications will come about quickly so that the Optional Protocol can enter into force. There is also an urgent need to strengthen children's rights. The use of child soldiers must be banned throughout the world, as must the heinous crimes of child trafficking and child prostitution. The work on the relevant Optional Protocols must produce results soon.

Ladies and gentlemen, as a global political player, the European Union will take into account the increasing importance of human rights with its own proactive human rights policy. Before the end of the year it intends to draw up its own human rights report for the first time with a view to increasing the transparency of EU human rights policy and to dealing with questions related to specific issues or countries.

Internally, too, the EU will lend more support to the cause of human rights. The EU is a community of values and this will become even clearer with the forthcoming entry into force of the Amsterdam Treaty. In this Treaty, human rights, democracy and the rule of law are expressly named as prerequisites for membership and if these criteria are not observed membership rights could be limited. The EU has established a European Monitoring Centre for Racism and Xenophobia in Vienna and is also examining whether a European Charter of Fundamental Rights to increase citizens rights should be drawn up.

For Europe it was a key experience to see how important the work of human rights groups was in the former Warsaw Pact countries and how crucial Basket III of the Helsinki Accord was for ending the communist dictatorship in the former Soviet Union and in Eastern Europe. For Europe, this combination of political dialogue, economic opening and commitment to human rights is a legacy that will also determine human rights policy in other regions of the world. In this vein we will tirelessly support democrats and human rights activists wherever they are being oppressed.

There is no doubt that not only the economic situation but also legal certainty and personal freedom have improved for many Chinese. Nevertheless, the general human rights situation in China, such as for example the frequent imposition of the death penalty, which by international standards is handed down with unparalleled frequency or the practice of administrative imprisonment, still does not comply with established international standards. China has already achieved a considerable push towards modernization. We are aware of the country's specific problems and the social tensions they give rise to. However, we believe that granting democratic rights, not suppressing them, is the only viable basis for sustainable development. The Asia crisis last year, in particular, showed the close link between human rights and sustainable development. The action taken against political dissidents in China has placed a great strain on the European-Chinese dialogue on human rights. We regard the very severe prison sentences imposed upon civil rights activists as unacceptable, especially as these activists merely exercised the rights guaranteed by the Universal Declaration of Human Rights and the Inter-national Covenant on Civil and Political Rights signed by China last year. These rights include freedom of opinion and assembly, as well as the right to form associations and to participate directly in public affairs. We are likewise concerned about the situation of minorities, particularly the situation in Tibet.

The EU therefore urges the Chinese Government to ensure that progress in the international sphere is followed by concrete improvements in the human rights situation and in respect of democracy and the rule of law. Swift ratification and implementation of the two International

Covenants sends an important signal that China is prepared to observe fundamental human rights principles in its own country. The EU is willing to engage in a more effective and focused dialogue on human rights and to continue its cooperation programme in support of this process.

Ladies and gentlemen, a preventive human rights policy is an overarching task linking foreign, development, environment and legal policy instruments. The whole spectrum of the instruments available has to be used. At this point I should like to expressly emphasize the EU's support for the efforts of Mary Robinson, the High Commissioner for Human Rights, to give human rights their due recognition throughout the whole UN system. Your activities in the field, which help to establish democratic, judicial and administrative structures based on the rule of law, and the Advisory Services and Technical Cooperation Programme, are major contributions to preventive human rights policy. The EU therefore strongly supports these activities, both materially and non-materially.

The players active in the field of human rights must also take a broad approach. Severe public criticism, practical project work and persistent lobbying by the many human rights NGOs have, in countless cases, been the key to specific improvements in people's living conditions. The NGOs deserve all our thanks and appreciation for this peerless dedication. The EU is prepared to give an even more solid foundation to its dialogue with private human rights organisations. However, for the future it will be important for other players in civil society, particularly economic enterprises, to increasingly recognise the link between human rights and viable, sustain-able development and to make their own contribution to the protection of human rights. It is good that this process has started, but it is still in its infancy. As powerful global players, companies today set standards in human rights that have an impact on nation-states. In Davos in February, Secretary-General Kofi Annan rightly called for joint efforts by politicians and industry to foster human rights, humane working conditions and conservation of the environment.

Madam Chairwoman, ladies and gentlemen, human rights policy is not a "soft topic" for unworldly moralists. Today human rights policy is tough Realpolitik. In the age of globalization, observing human rights is the best basis there is for peace and sustainable development. It therefore has nothing to do with interference or Western arrogance if we Europeans repeatedly point out that the suppression of human rights is unacceptable and that we will promote the development of peace, democracy and civil society throughout the world. For us this is by no means a matter of imposing our values on others. Rather, we want to improve the implementation of internationally recognized human rights standards throughout the world. In the weeks ahead we will have to concentrate all our efforts on this common objective.

ANNEX 11

55TH SESSION OF THE COMMISSION ON HUMAN RIGHTS (GENEVA, 22 MARCH - 30 APRIL 1999)

STATEMENT BY AMBASSADOR WILHELM HOYNCK HEAD OF THE DELEGATION OF GERMANY ON BEHALF OF THE EUROPEAN UNION

AGENDA ITEM 9: QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

GENEVA, 31 MARCH 1999

I have the honour to speak on behalf of the European Union. The Central and Eastern European countries associated with the Union - Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia - have expressed the wish to align themselves with this statement.

In a couple of weeks, the Amsterdam Treaty will enter into force. This Treaty will clearly reaffirm that the European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. The Treaty further states that the objectives of the Union's Common Foreign and Security Policy include the development and consolidation of democracy and the rule of law, respect for human rights and fundamental freedoms, the preservation of peace and strengthening of international security, and the promotion of international cooperation.

The EU thus maintains an in-depth human rights dialogue with a number of countries. This includes countries of Central and Eastern Europe in the context of the accession process, Mediterranean countries in the Barcelona process, other countries within the framework of Partnership and Co-operation Agreements, and individual countries of particular importance to the Union.

The respect and promotion of human rights are also obligations under international law. Thus, implementation of the human rights conventions is a common concern that we share with other states.

Making human rights, democracy and the rule of law a central feature of the way we define ourselves and of our policies is, first of all, a moral statement stressing the worth and dignity inherent in every human being. It obliges us to promote human rights through our assistance programmes and our political contacts. It also obliges us to speak out against the violation of human rights and human dignity, and to raise our dismay with those who ultimately bear the responsibility for redressing problems: the Governments concerned.

Moreover, making human rights a core element of our policy is a statement underlining the crucial role that human rights play in the shaping of our societies and, indeed, of our global village. A closer look at the situation in many countries proves that we were right in Vienna when we unanimously expressed our conviction that human rights, democracy and development are interdependent and mutually reinforcing, and that the promotion of human rights also improves the prospects of peace and security.

Today, as the world sets out to maximise the benefits of globalisation and to master its pitfalls, we realise again that we cannot do without human rights. The globalisation of markets and of information needs to be matched by a global framework that preserves,

respectively restores, the centrality of human worth and dignity as the source and the purpose of all our efforts. Human rights, democracy, the rule of law, tolerance, civil society and accountable institutions that work for justice and for the well-being of their people are essential components of this global framework. They are in every single person's and every State's self-interest. They are indispensable building blocks of our common house. The EU believes that, with regard to human rights, the right to life, and consequently the abolition of the death penalty, is one of the cornerstones of this common house.

If freedom from fear and want is what we are aiming for, then we must be clear that the obligation to promote social justice, to address people's basic needs, to eradicate poverty, to eliminate discrimination and exploitation, to preserve the environment and to deal in a responsible manner with the possibilities opened by scientific progress are also among the necessary building blocks. The diversion of scarce budgetary resources into excessive military spending, the persistence of unjust property laws, exploitation at the workplace particularly of women and children, racial or social discrimination, and the destruction of our common environment can do as much as repression and arbitrariness to humiliate, hurt and even kill. Here, too, prevention is necessary, through the strict application of human rights and labour standards, but also through stronger involvement of relevant actors within civil society, such as NGOs, enterprises and trade unions.

The EU is conscious of the fact that such efforts are incumbent upon all of us. In particular, the principles enshrined in the aforementioned Amsterdam Treaty are binding on present and future members of the EU. In the light of racist, xenophobic and other abominable and often violent attitudes in our own societies, ~in the light of social problems, of shortcomings in our judiciaries and in Law enforcement, the European Union, despite existing safeguards, is constantly reminded that in the field of human rights there is no room for complacency. It is in this spirit that I now proceed to raise areas of concern that need to be addressed - in our common interest.

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

Building peace

I would first like to address a number of situations where armed conflict imposes great suffering on all strata of the population. It is women and children who constitute the larger part of the civilian population, and as such they face tremendous difficulties, especially when displaced from their homes. The situation in Kosovo is the saddest proof of this statement. Mentioning such situations is not an end in itself, but an expression of the commitment of the EU to the rights of victims of armed conflict under international human rights treaties and humanitarian law. It also conveys our deepest sympathy for those affected by conflict and our resolve to assist in overcoming conflict.

As regards Kosovo, I would like to draw attention to the statements by the Heads of State and Government issued on 24 and 25 March at the European Council.

They reiterated their deep concern about the failure of the mediation efforts by the Contact Group. The common objective was to persuade the Government of the Federal Republic of Yugoslavia to accept a ceasefire in Kosovo and a political solution to the Kosovo conflict, in order to stop a humanitarian catastrophe in Kosovo. The draft agreement assures Kosovo a high degree of self-government on the basis of the sovereignty and territorial integrity of Yugoslavia guarantees the individual human rights of all citizens in Kosovo according to the highest standards, envisages extensive rights for all national communities living in Kosovo

and creates the basis for the necessary reconstruction of the war-torn region. The Government of the FRY, however, chose to reject all proposals.

Our engagement was and is not directed against the Yugoslav or the Serb population, nor against the Federal Republic of Yugoslavia or the Republic of Serbia. It is directed against the irresponsible leadership under President Milosevic. It is directed against security forces who cynically and brutally fight a part of their own population.

We are dismayed at the increasing number of confirmed reports on atrocities committed against Kosovo Albanian people, including local politicians. The victims have been mistreated, jailed, wounded or killed. The acts of violence have been committed by Serb security forces and by masked civilians, possibly members of paramilitary groups. The EU strongly condemns these crimes and demands that they be halted immediately.

Over half a million Kosovars are now homeless because of the repression carried out by Belgrade's security forces, many tens of thousands have been driven from their homes since the peace talks broke down.

We want to put an end to these outrages. And therefore, the most difficult decision to take military action to this end had, to our great regret, become unavoidable.

We cannot tolerate a humanitarian catastrophe in our midst. It cannot be permitted that the predominant population of Kosovo be collectively deprived of its rights and subjected to grave human rights abuses. We are ultimately responsible for securing peace and co-operation in the region, which will guarantee the respect of our basic European values, i.e. the respect of human and minority rights, international law, democratic institutions and the inviolability of borders. Nor can the international community tolerate crimes against humanity. Those now persisting with the conflict in Kosovo should not forget that the mandate of the Hague Tribunal covers Kosovo. They and their leaders will be held personally accountable for their actions. The European Union urges the Yugoslav leadership under President Milosevic to summon up the courage at this juncture to change radically its own policy.

Furthermore, the human rights situation in the whole of Serbia continues to give rise to concern. Following the adoption of the Serbian Law on Public Information in October 1998, several independent newspapers and radio stations were accused of violating the national interest and either closed down or severely fined. Academic freedoms are being curtailed by the Law on Universities, adopted in May 1998.

Problems in the FRY also arise from the threat against minority rights in other areas, in particular the regions of Vojvodina and Sandzak. Especially in the latter region social and political repression of the non-Serb population continues to create a climate of intimidation and fear.

The European Union reiterates its position that the path toward a full integration of the Federal Republic of Yugoslavia into the international Community will only be open if the Yugoslav Government decides to pursue real democratisation and liberalisation of its political system. This includes in particular the full respect of human rights and the rights of persons belonging to minorities, revision of the electoral system, the entering into a dialogue with the opposition, freedom of the media and independence of the judiciary.

The European Union welcomes the progress made so far in implementing the Peace Agreement in Bosnia and Herzegovina. Common institutions have been established and have been working for some time now. Key laws are now in place. Freedom of movement across the country has improved substantially. A fundamental reform of the media is underway and helping to create a more democratic society. Elections have demonstrated a growing trend toward pluralism and tolerance.

But much remains to be done. The European Union is particularly concerned about the lack of independence and impartiality of the judiciary in both entities. As emphasised at the Peace implementation Council in Madrid, a top priority for 1999 will be to continue to establish the rule of law. This is a prerequisite for a lasting peace in Bosnia and Herzegovina. In particular, the decisions of the Human Rights Chamber and the Commission for Real Property Claims must be fully implemented and the final decision on Brcko must be respected.

Return-related violence continues. The response of local authorities and police to these incidents has often been inadequate. In this context, the European Union welcomes the refugee return plan endorsed in Madrid aiming at a comprehensive return of refugees and internally displaced persons to minority areas in 1999. It remains concerned with regard to ongoing frictions between the ethnic communities. Furthermore authorities in both entities and at the local level have not been forthcoming in the implementation of Annex VII of the Dayton Agreement. The European Union calls upon all authorities responsible to implement their commitments under the Dayton Agreement and to create appropriate conditions for an unrestricted and safe return to minority areas.

The European Union remains convinced that all indictees must be brought before the International Criminal Tribunal for the Former Yugoslavia (ICTY) and calls upon the authorities of Bosnia and Herzegovina and all relevant countries to co-operate fully with the ICTY, in particular to execute arrest warrants issued by the Tribunal.

The European Union is deeply concerned about the political and humanitarian situation in Angola. We are disturbed by the return to armed conflict and deeply regret the inescapable discontinuation of the MONUA peacekeeping operation. Since the resumption of hostilities, human rights abuses and breaches of international humanitarian law have drastically increased, especially in UNITA-controlled areas. A humanitarian catastrophe seems to be impending. The EU urges both parties to grant humanitarian organisations access to the civilian population in all areas of the country. The resumption of the use of landmines is of great concern to us, notably when directed against the population and access to food supplies. This must end. A new perspective for a just and lasting peace is urgently needed. Therefore, the EU urgently calls upon both sides to cease hostilities immediately and to enter into a meaningful political dialogue, in the course of which freedom of expression must be respected.

The EU was dismayed by the outbreak of armed conflict between Ethiopia and Eritrea and has repeatedly urged both parties to refrain from further violence and to renew their efforts in order to achieve a peaceful negotiated settlement of their conflict in all its aspects. The EU welcomes the efforts of the OAU High-Level Delegation to negotiate a peaceful settlement to the conflict and calls upon both parties to implement the OAU framework agreement without further delay. The EU has repeatedly condemned human rights violations committed in the context of this conflict, especially against nationals of the other country living within one's own borders, and minorities alleged to be disloyal, and urges both parties to respect international humanitarian law and human rights standards.

In Burundi, the situation remains highly precarious: rebel and army activities continue to claim a high number of civilian victims. Reports on both sides' involvement in massacres among civilians are cause for major concern. The EU notes with satisfaction that the Government of Burundi has decided to investigate events involving Army units and that responsible military leaders have been arrested. The EU urges the Government to proceed with these investigations and to prosecute the persons found responsible. At the same time, the EU urges both sides to refrain from violence.

The volatile security situation in different parts of the country has forced large parts of the population to leave their homes. Many internally displaced persons are struggling for survival.

The legal system in Burundi continues to be an area of major concern: 80 % of the detainee population is on detention pending trial. Many of them have been awaiting trial for years. Judicial procedures remain intransparent.

Political developments in Burundi by contrast have been more encouraging after the signing of a partnership agreement between the political forces in Burundi. The EU supports the Arusha peace-process politically and through substantial financial and technical contributions, in addition to bilateral contributions by its Member States. We support the important contribution by the UNHCHR Office in the country.

On Rwanda, despite some reported progress, the EU remains concerned about continued human rights violations and the situation of a large number of internally displaced persons. Many among them are facing life-threatening living conditions. The EU encourages the government of Rwanda to continue to discuss its policy of resettlements in villages with the international community, as forced resettlements of populations constitute a violation of human rights.

The large detainee population awaiting trial is facing precarious living conditions. The EU has welcomed the decision of the Government of Rwanda announced last year to release 10,000 prisoners for whom no complete files could be established. While acknowledging the difficult situation in the wake of genocide and the legitimate concern, over impunity, the EU encourages the Government of Rwanda to try to promote acceptance of this decision among the Rwandan population and its implementation.

The EU welcomes the adoption of a new bill by the National Assembly regarding the establishment of a National Human Rights Commission and calls for its rapid installation. We stress the importance of its independence, its effective functioning and its close cooperation with the UNHCHR. We encourage the government of Rwanda to cooperate with the UN High Commissioner for Human Rights.

The European Union remains deeply concerned about the fragile situation in Sierra Leone, and by the continuing atrocities by remnants of the junta and RUF forces, which recently tried to overthrow the democratically elected Government of Sierra Leone. The European Union strongly condemns these horrific actions and the involvement of child soldiers, as mentioned in the recent report. We urge full respect for human rights and an immediate halt to the senseless slaughter, mutilation and torture of the civilian population in Sierra Leone.

The European Union remains deeply concerned about the ongoing situation of conflict in Somalia, in particular in the southern parts of the country, characterised by a lack of legal authority and the rule of law as well as by persisting acts of violence against humanitarian relief workers. The continued absence of a peaceful settlement remains the main stumbling block on the road to national reconciliation and reconstruction. In the context of the continuing absence of a central government, the EU calls upon all those recognised as being in positions of authority to respect the human rights of their fellow countrymen. In the view of the EU, it is incumbent on all Somalis to refrain from the use of force and to work towards establishing the conditions necessary for the reconstruction of a society in which the human rights of the population can be protected, and the will of the people respected.

With regard to the North of Uganda the EU remains deeply concerned about the ongoing abduction, killing and rape of civilians, many of them children, by rebel armies. The EU

regrets to learn that Uganda Peoples' Defence Forces have also been accused of violations of human rights.

With regard to Afghanistan, the EU remains deeply concerned about the continuing and massive human rights violations taking place. In the EU's Common Position of January 1999, we have renewed our call to all parties to recognise, protect and promote all human rights and fundamental freedoms. We believe that these principles should be at the heart of the ongoing negotiations between the parties concerned.

The EU is deeply disturbed in particular at the grave and systematic violations of the rights of women and girls, which must stop immediately, as well as at reports of massacres in Northern Afghanistan last August. The EU looks forward to a thorough investigation, led by the UN, of reports of these and other massacres.. We welcome the proposal of the UN Secretary-General to deploy international civilian monitors in Afghanistan to deter further human rights abuses.

The EU remains concerned about the human rights situation in Kashmir, where, despite positive steps taken by the Indian Government, the situation is far from being normal. The EU encourages India to take all appropriate measures to stop human rights violations and other acts of violence. We call upon the Government of Pakistan to prevent armed infiltration across the line of control. The EU would like to stress the need for improvement of access to Kashmir for international and non-governmental organisations as well as for the UN Special Rapporteur on Torture.

The EU is concerned about growing religious intolerance on the Subcontinent, in particular about credible reports of religiously motivated cases of murder, assault and the destruction of places of worship. We encourage the Governments of India and Pakistan to continue to actively protect the rights of religious minorities. We call on the Government of Pakistan to prevent the misuse of blasphemy laws and to introduce legislation which would abolish the death penalty for blasphemy.

While recognising positive developments of the human rights situation in Sri Lanka the EU is still concerned about human rights violations such as disappearances, extrajudicial killings, arbitrary arrests and torture by paramilitary parties, armed forces and the police. The EU condemns terrorist attacks by the LTTE and other paramilitary groups against civilian targets. The use of child soldiers by the LTTE is reason for serious concern. We urge all parties in Sri Lanka to end the armed conflict and to make every effort to reach a negotiated and just settlement. Whilst welcoming the continuing efforts of the government of Sri Lanka to provide relief supplies to refugees in the Vanni, displaced by armed conflict, we remain concerned by reports indicating that food and medical supplies reaching these refugees are insufficient, forcing many of them to leave the region. We therefore call on the government of Sri Lanka and others concerned to immediately remedy this unacceptable situation. We also call on the government of Sri Lanka to strengthen the capacity of the Human Rights Commission of Sri Lanka to investigate and provide for the resolution of violations of human rights. In view of the upcoming provincial, parliamentary and presidential elections the EU would like to stress the importance of free and fair elections.

The European Union welcomes the progress made by the Guatemalan Government, with the help of the international community, to improve the human rights situation since the Peace Agreement was signed on 29 December 1996. The publication and intended widespread dissemination of the final report of the Commission for Historical Clarification in Guatemala represent an important step in the ongoing process towards the full implementation of the peace accords. The EU, whilst noting the Guatemalan Government's initial reaction to the report, is encouraged by the subsequent assurances as to the government's commitment to it. The Union urges the Guatemalan authorities to take all steps to implement the

Commissions recommendations to the fullest possible extend in order to strengthen democratisation and to lay the foundations for true reconciliation in the Guatemalan society. Concerned about unresolved cases of violent crimes, in particular the murder of Bishop Gerardi, and human rights violations, the Union calls upon the competent authorities of Guatemala to renew efforts to ensure a full investigation and to bring those responsible to justice. The Union believes that strengthening the judicial power will be essential to end impunity in Guatemala.

The EU welcomes the recent progress in the field of human rights in Peru, in particular the abolition of the system of "faceless judges", the establishment of an ombudsman, which led to the release of 300 prisoners, and the permission extended to the ICRC to continue its visits. At the same time the EU continues to be concerned about prison conditions and the rights of the indigenous population. We call upon the Peruvian government to ensure the independence of the judiciary.

Whilst it is extremely difficult to obtain a reliable picture concerning the situation of human rights situation in the Democratic People's Republic of Korea (DPRK), which, unlike other countries, is sealing itself off almost completely from the outside world, it seems very likely, judging by some reports that violations of human rights are common and occur on a large scale.

On 2 December 1998 a first political dialogue meeting between the European Union and the DPRK took place in Brussels. The Union underlined its major concerns regarding the situation of human rights, in particular with regard to political prisoners, the absence of the rule of law, the DPRK's attempt to renunciate its obligations under the ICCPR and the grave humanitarian situation in general.

The need for democracy and the rule of law

As I said before, the EU is firmly convinced that democracy, the rule of law, tolerance, civil society and accountable institutions are essential building-blocks for just and stable Societies. We stand ready to support efforts to build adequate institutions and capacities; on the other hand, we believe that neglect of, or worse, contempt for democracy and the rule of law, runs against the self-interest of Governments concerned.

In this sense, the European Union is concerned about deficiencies in the legal and judicial system in Belarus. We deplore state interference in judicial proceedings, with pressure being applied on judges, prolonged pre-trial detentions and are particularly troubled about prison conditions. We appeal to the government of Belarus to revoke regulations which curtail the right to freedom of expression and peaceful assembly and to resolve by democratic means the current constitutional dispute between the government and the opposition.

The majority of votes obtained by the ruling party in the parliamentary elections held in Equatorial Guinea on 7 March has to be considered as fraudulent. Already in the run-up to the elections the opposition was at a substantial disadvantage, since the date of the elections was not publicly announced until very shortly before they took place, the opposition not having access to media or means of financing a campaign. The European Union notes with satisfaction that the death sentences imposed by a military court against 15 Bubis last May have been commuted into life terms by President Obiang. We remain concerned, however, by continuing allegations of torture, dismal prison conditions and arbitrary arrests of family members of wanted suspects.

The EU urges civil and military authorities of the Government of Zimbabwe to respect human rights and fundamental freedoms, such as invulnerability of the human person and freedom

of the media. In this respect the EU was deeply concerned about the recent arrest and evident torture of two Zimbabwean journalists by military authorities and the Government's subsequent reaction to the court proceedings.

The European Union reiterates its concern about the current political and constitutional crisis in Haiti, as expressed in its declaration of 26 January 1999. It calls upon all sides concerned to enter into a constructive dialogue with the aim of consolidating democracy and due process of law in Haiti. The EU takes note of the nomination of a Provisional Electoral Council. A lasting solution to the crisis can only come about through elections conducted in a free, honest and open atmosphere. The EU strongly condemns attacks on human rights defenders and urges the authorities to fully investigate such attacks.

The EU seeks to encourage a process of a gradual and peaceful transition in Cuba towards democratic pluralism and a multiparty system, respect for human rights and fundamental freedoms. We call on the government to send a signal of its commitment by acceding to the two International Covenants on civil and political and on economic, social and cultural rights. The EU reiterates its appeal to the Cuban authorities to cooperate fully and constructively with all human rights mechanisms of the United Nations. The EU recognises that the Cuban government has taken measures to guarantee the freedom of religion enshrined in the constitution. The EU urges the Cuban authorities to take vigorous steps to grant the freedom of expression. We are concerned about some aspects of the law adopted on 16 February 1999 by the National Assembly penalising the exercise of the right of citizens to express opinions or to disseminate information. It reiterates its concern about the continued repression of members of the political opposition and about the detention of dissidents. We have learnt with great concern of the severe sentences imposed on the four members of the so-called Group of Internal Dissidence who have been accused of subversion, and the events surrounding the trial against them. In a recent declaration the EU has expressed its deep regret at these developments. In the view of the EU, they have solely exercised their right of free expression by peaceful means. An open and meaningful dialogue on all human rights issues would be in the best interest of the entire Cuban society.

The EU welcomes the improved cooperation of the Government of Algeria with international partners to gather information on the human rights situation in Algeria. In this context the EU recalls the reaction of the Government of Algeria to the findings of the United Nations Panel of Eminent Persons on the human rights situation in Algeria, which it sees as an expression of commitment to develop the rule of law, to ensure the respect for human rights and to consolidate the democratic process. The EU therefore encourages the Algerian authorities to implement the proposals made by the United Nations panel in its report. Its visit is not a substitute for co-operation with the procedures and mechanisms of the United Nations in the field of human rights. It is essential that the Government of Algeria co-operates fully with these mechanisms. The EU urges Algeria to facilitate early visits of UN human rights mechanisms, particularly the UN Special Rapporteurs on Torture and on Extra-judicial, Summary or Arbitrary Executions and to give full effect to the concluding observations of the UN Human Rights Committee. The EU condemns terrorist violence against the population and reiterates its solidarity with the Algerian people. While acknowledging the efforts undertaken by the Algerian authorities to protect the Algerian people against such terrorist attacks which have led to a marked decrease in the number of victims, we urge the Government to scrupulously adhere to human rights standards and means compatible with the rule of law in their fight against terrorism. The European Union continues to remain concerned over reports of involuntary disappearances, arbitrary detention and torture of detainees. Although the EU notes the efforts already undertaken by the Algerian authorities on the question of involuntary disappearances, it calls upon the government to invite the Working Group on Enforced and Involuntary Disappearances to visit the country in order to reinforce that process.

The EU notes with satisfaction that in Indonesia significant improvements in the human rights situation have been achieved, as well as progress in the co-operation with the United Nations in the field of human rights. Prominent among these achievements were the ratification of the Convention against Torture, the visit of the Working Group on Arbitrary Detention, the lifting of restrictions on trade union organisations, the release of a number of political prisoners and significant progress in the freedom of expression, press and media. Despite these positive developments, the EU continues to observe with grave concern reports on violations of human rights, especially arbitrary detentions, extra-judicial killings, forced disappearances, torture and ill-treatment. The EU calls for full implementation of human rights instruments on the ground and for unconditional investigations of past human rights abuses.

The EU is also deeply concerned about the increased tension and violence in different parts of Indonesia. It is particularly concerned about reports of violence by the military in Aceh and the continuing inter-religious violence in the Moluccas. In the context of the latter the EU considers it important that the rights of all ethnic and religious minorities of Indonesia are fully respected. Especially in view of the June elections, it is vital that international human rights standards are respected and that all those with grievances, including the military, show restraint to avoid a further deterioration of the situation.

The EU has followed with great attention the political and human rights developments in Cambodia, especially the national elections in summer 1998 and the subsequent formation of a new coalition government. The Union hopes that the political platform found by the major parties will constitute a good basis for the difficult tasks ahead. The EU notes that the recent surrender of two leaders of the Khmer Rouge movement and capture of a third brings to a close the de-facto disappearance of this movement. It calls upon the Cambodian government to ensure that the Khmer Rouge leaders responsible for genocide, crimes against humanity and serious violations of international humanitarian law should be held accountable for their actions in front of an independent tribunal. The EU encourages the Cambodian government to continue its co-operation with the international community on this matter.

The human rights situation in Cambodia in general continues to be of concern to the EU. In view of ongoing logging activities in provinces such as Rattanakiri and Monduliri the EU is particularly concerned over the effects on social and economic rights of ethnic minorities and the rural population in those areas. We urge the government of Cambodia to implement appropriate measures to ensure that such implementation of the freedoms laid down effects can be minimised. The EU continues to be gravely concerned at the problem of impunity and stresses the need for the Cambodian government to improve the in the Cambodian Constitution and for the formation of an independent Cambodian human rights commission. The EU underlines its support for the continuing work of the Cambodia Office of the UN High Commissioner for Human Rights.

The EU continues to monitor closely developments in the field of human rights in Mexico. It takes note with satisfaction of measures taken by the Mexican government to promote human rights education for military, judiciary and law enforcement officials. It expects that these measures will lead to full respect for constitutionally guaranteed rights and will contribute to ending impunity and serious human rights violations, in particular torture, as well as to ensure the independence of the judicial authorities, including judges and prosecutors. The EU has learnt with concern about serious allegations of killings and disappearances. It stands ready to intensify its cooperation with Mexico with a view to improving the human rights situation, and welcomes the invitation extended to the UNHCHR to visit the country. The EU encourages the Mexican government to continue to strengthen its efforts to end discrimination of indigenous peoples and to promote their enjoyment of human rights.

The EU welcomes the adoption of a non-discriminatory Reconstruction Programme by the Croatian Government as a positive step which is complementary to the Return Programme adopted earlier. However, progress concerning the return of refugees remains still slow. The necessary measures to make the Reconstruction Programme effectively operational for the persons concerned, i. e. through a nation-wide information campaign, have not yet been taken. Nor has there been significant progress in eliminating discriminatory legislation. The EU calls upon Croatia to abolish all discriminatory legislation with regard to the return programme and its implementation. The EU expects the continued implementation of the "Programme for the Establishment of Trust, accelerated return and normalisation of living conditions in the war-affected areas" with a view to promoting a favourable atmosphere for members of minorities to remain in the country, especially in the Danube region, and to the furthering of real reconciliation wherever possible. As to the democratic process, the EU calls upon Croatia to take adequate measures in the field of the media and the electoral law.

The EU remains concerned over continuing reports of widespread use of torture and of illegitimate restrictions on the freedom of expression in Turkey. Difficulties in prosecuting members of the security forces, who have allegedly committed acts of torture or ill-treatment, continue. The EU urges Turkey to fully respect the rule of law and international standards of human rights, in particular when fighting terrorism, and to implement the reforms in the field of human rights to which it has committed itself. The EU calls upon Turkey to continue its practice of respecting the decisions of the European Court of Human Rights.

Despite progress made, the EU remains concerned about the human rights situation in Syria, particularly arrest and detention procedures, prison conditions and lack of freedom of expression. Full information about detained persons should be given to their families or, in the case of foreigners, to their country of origin. We believe it to be in Syria's own interest to improve the country's human rights performance. We urge the Syrian authorities to engage in a dialogue on the human rights situation in the country and to take further concrete measures such as the release of political prisoners.

The EU continues to follow the situation in Cyprus with interest, and reaffirms that the status quo there remains unacceptable. There is a continuing need to intensify efforts to find a just, comprehensive and viable solution based on a bi-zonal, bi-communal federation in accordance with the relevant UN Security Council resolutions and the high level agreements. We fully support the good offices mission of the UN Secretary-General. The EU calls for the full respect of human rights and fundamental freedoms of the population of the whole island. It expresses its support for UNFICYP's continued efforts to implement its humanitarian mandate and for the activity of the UN's Committee on Missing Persons.

The situation in China, an important partner for our human rights dialogue, has recently suffered a grave setback. The crackdown on political dissidents in China, their detentions and the ensuing harsh court sentences have led to a series of demarches by the EU as well as other countries at the end of 1998. The punishment of democratic activists who have been engaged in activities covered by the UN Human Rights Covenants has generated serious concern in our public, parliaments and governments.

The EU certainly welcomes the positive signals sent out by the Chinese Government, mostly concerning co-operation with the human rights mechanisms of the United Nations. These signals include the signature of the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the visit to China by the UN High Commissioner for Human Rights, Mrs. Robinson, the visit to China by the UN Working Group on Arbitrary Detention and the invitation of the UN Special Rapporteur on Torture. We are further pleased that the EU Troika Ambassadors' visit to Tibet could take place. We welcome the recent improvement in Chinese legislation and notably the fact that China's National People's Congress recently has incorporated the rule of law into the Chinese constitution. The EU also

recognises that living conditions of the vast majority of the Chinese people have rapidly improved in the past years.

The European Union encourages China to take concrete steps with a view to early ratification and effective implementation of the UN Human Rights Covenants. In the meantime the EU expects China to act in accordance with the fundamental spirit and principles of the Covenants.

As of now, the EU regrets that the general human rights situation in China is still far from meeting internationally accepted standards. With regard to the rule of law, the continuing and widespread practice of administrative detention, and the excessive use of the death penalty remain matters of particular concern to the EU. Restrictions on religious freedom, the lack of the right to free speech, the situation in Tibet and severe sentences in Xinjiang are further worrying us.

In Malaysia, the European Union remains concerned about continued illegitimate restrictions of human rights and fundamental freedoms such as the right of peaceful assembly and freedom of speech and opinion. The EU follows with interest the trial of the former Malaysian Deputy Prime Minister Anwar Ibrahim. The EU underlines the basic human right of all to a fair trial. The EU welcomes the announcement by the government of Malaysia to set up a national commission on human rights and hopes that it will be established and operate in accordance with the Paris Principles.

The EU continues to be disturbed by the situation of human rights in Saudi Arabia and remains particularly worried about reports on torture and other inhuman treatment, despite Saudi Arabia being a State Party to the UN Convention Against Torture. We urge Saudi Arabia to establish transparency and essential safeguards in criminal proceedings and to remove the barriers to freedom of expression and assembly. The EU is gravely concerned about the serious human rights violations against women in Saudi Arabia and repeats its call to Saudi Arabia for the improvement of the human rights of women in law and practice. We encourage Saudi Arabia to limit the use of the death penalty. We have taken note with satisfaction of some statements announcing improvements with regard to exercise of non-Muslim worship. We encourage the Saudi Arabian authorities to translate their words into deeds and at the same time remain concerned about the continuing restrictions in the field of freedom of religion. The EU welcomes some improvement in Saudi co-operation with United Nations human rights bodies, and calls upon Saudi Arabia to strengthen this co-operation, and to sign the two Covenants and other principal human rights treaties.

The EU hopes that this Commission will address the situations which I just mentioned, and any others that the Commission deems fit to examine, in a frank and open manner.

Let me say it again: Human rights are indispensable building blocks for just, peaceful and prosperous societies. The Vienna World Conference reaffirmed that human rights are the legitimate concern for the international community. As a consequence of this commitment, the EU will raise human rights concerns irrespective of the degree of friendliness of the relations uniting us with a particularly country. Accordingly, we will speak out in favour of human rights. Respect for human rights is not negotiable.

ANNEX 12

HUMAN RIGHTS INSTRUMENTS

United Nations

Universal Declaration of Human Rights (1948)

Convention on the Prevention and Punishment of the Crime of Genocide (1948)

Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949)

Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949)

Geneva Convention relative to the Treatment of Prisoners of War (1949)

Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949)

Convention relating to the Status of Refugees (1950)

Convention on the Reduction of Statelessness (1954)

Convention relating to the Status of Stateless Persons (1954)

International Convention on the Elimination of All Forms of Racial Discrimination (1966)

International Covenant on Economic, Social and Cultural Rights (1966)

International Covenant on Civil and Political Rights (1966)

Optional Protocol to the International Covenant on Civil and Political Rights (1966)

Convention on the Elimination of All Forms of Discrimination against Women (1979)

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1979)

Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981)

Declaration on the Right to Development (1986)

Convention on the Rights of the Child (1989)

Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the Abolition of the Death Penalty (1989)

International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities (1992)

Declaration on the Elimination of Violence against Women (1993)

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (1998)

Council of Europe

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

Protocol No. 6 to the Convention for the protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty (1983) as amended by Protocol No. 11 (1994)

Protocol No. 11 to the Convention for the protection of Human Rights and Fundamental Freedoms (1994)

European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)

European Social Charter (1961)

- Additional Protocol to the European Social Charter Providing for a System of Collective Complaints (1995)

European Social Charter - Revised (1996)

European Charter for Regional or Minority Languages (1992)

Framework Convention for the Protection of National Minorities (1995)

Organization for Security and Co-operation in Europe

Helsinki Final Act (1975)

Concluding Document of the Vienna Meeting of representatives of the participating States of the Conference on Security and Co-operation in Europe (1986)

Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Co-operation in Europe (1990)

Charter of Paris for a New Europe (1990)

Document of the Moscow Meeting of the Conference on the Human Dimension of the Conference on Security and Co-operation in Europe (1991)

Helsinki Document of the Conference on Security and Co-operation in Europe (1992)

Document of the Rome Meeting of the Council of the Conference on Security and Co-operation in Europe (1993)

Vienna Document of the Meeting of representatives of the participating States of the Conference on Security and Co-operation in Europe (1994)

Budapest Summit Declaration of the Conference on Security and Co-operation in Europe (1994)

Lisbon Summit Declaration of the Organization for Security and Co-operation in Europe (1996).

ANNEX 13

HUMAN RIGHTS INSTRUMENTS SIGNED BY EU MEMBER STATES

United Nations

Convention on the Prevention and Punishment of the Crime of Genocide (1948)

Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949)

Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949)

Geneva Convention relative to the Treatment of Prisoners of War (1949)

Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949)

Convention relating to the Status of Refugees (1950)

International Convention on the Elimination of All Forms of Racial Discrimination (1966)

International Covenant on Economic, Social and Cultural Rights (1966)

International Covenant on Civil and Political Rights (1966)

Convention on the Elimination of All Forms of Discrimination against Women (1979)

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1979)

Convention on the Rights of the Child (1989)

Council of Europe

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

Protocol No. 6 to the Convention for the protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty (1983) as amended by Protocol No. 11 (1994)

Protocol No. 11 to the Convention for the protection of Human Rights and Fundamental Freedoms (1994)

European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)

European Social Charter (1961).
