

## **P6\_TA(2005)0150**

### **Human rights in the world (2004) and the EU's policy**

#### **European Parliament resolution on the Annual Report on Human Rights in the World 2004 and the EU's policy on the matter (2004/2151(INI))**

*The European Parliament,*

- having regard to the Universal Declaration of Human Rights and to all relevant international human rights instruments,
- having regard to the entry into force on 1 July 2002 of the Rome Statute of the International Criminal Court (ICC) and to its resolutions related to the ICC<sup>1</sup>,
- having regard to the United Nations Charter,
- having regard to Protocol No 13 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances,
- having regard to the Charter of Fundamental Rights of the European Union<sup>2</sup>,
- having regard to Articles 3, 6, 11, 13 and 19 of the Treaty on European Union and Articles 177 and 300 of the Treaty establishing the European Community,
- having regard to the ACP-EU Partnership Agreement<sup>3</sup>,
- having regard to its resolution of 23 October 2003 on peace and dignity in the Middle East<sup>4</sup>,
- having regard to its resolution of 24 February 2005 on the 61st Session of the United Nations Commission on Human Rights in Geneva<sup>5</sup>,
- having regard to the sixth EU Annual Report on Human Rights,
- having regard to the first and second United Nations Development Programme Arab Human Development Reports,
- having regard to Rule 45 of its Rules of Procedure,

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<sup>1</sup> OJ C 379, 7.12.1998, p. 265; OJ C 262, 18.9.2001, p. 262; OJ C 293 E, 28.11.2002, p. 88; OJ C 271 E, 12.11.2003, p. 576.

<sup>2</sup> OJ C 364, 18.12.2000, p. 1.

<sup>3</sup> OJ L 317, 15.12.2000, p. 3.

<sup>4</sup> OJ C 82 E, 1.4.2004, p. 610.

<sup>5</sup> Texts Adopted, P6\_TA(2005)0051

- having regard to the report of the Committee on Foreign Affairs (A6-0086/2005),
- A. whereas this resolution is not seeking to be all-encompassing, but to highlight in two main parts, first, the most important developments in human rights outside the EU in a geographical order and, second, eight key thematic issues of importance to the EU in the coming years;

### ***Issues in different countries***

#### *Candidate Countries*

1. Recalls the findings contained in its special in-depth reports on the acceding/candidate countries Bulgaria, Romania and Turkey, congratulates them on the progress they have achieved with regard to human rights but reminds them that there is still work to do; therefore urges them to continue and to redouble their efforts in this regard;

#### *Western Balkans*

2. Affirms that the European Parliament should continue to work towards guarantees of human rights in both Voivodina and Kosovo;
3. Calls on Croatia, Bosnia and Herzegovina, Serbia and Montenegro to ensure fair war crimes trials; reminds them of their obligation to cooperate fully with the International Criminal Tribunal for the former Yugoslavia (ICTY);
4. Reminds Serbia and Montenegro of the importance of ensuring human rights and the rule of law, in particular the need to condemn and deal by law with all acts of intolerance and violence based on ethnic grounds;

#### *The EU's Neighbourhood and Middle East*

5. Favours, in order to strengthen respect for human rights in the neighbourhood countries and in the Mediterranean area, the creation of independent institutions, open to civil societies, in the countries concerned, which could guarantee effective implementation of the rights deriving from signed bilateral and multilateral agreements;
6. Demands ever greater respect for the rights of women and minorities and for freedom and pluralism of the media, respect for human rights in the penal system and the abolition of torture and the death penalty in countries with which the EU has concluded an association agreement and is negotiating action plans;
7. Hopes that greater efforts will be made to promote women's rights within the framework of the Barcelona Process; demands in this respect the setting-up of a regional action plan aimed at enhancing women's rights and equality between the sexes in the spirit of the report of the UN Development Programme; calls upon all member countries of the Barcelona Process to withdraw their reservations concerning the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
8. Stresses that the countries of the region have to make progress in the field of human rights, particularly in cooperation with the International Criminal Tribunal for the

former Yugoslavia, in the implementation of an effective policy in favour of the return of refugees and displaced persons, in respect for minority rights and in the implementation of active policies against trafficking in human beings;

9. Calls on all countries which by their proximity to the EU have political, trade and social interactions with the EU to recognise that the process of economic and social reform necessitates as its basis the adoption of policies promoting human rights and democratic standards in accordance with international human rights law;
10. Welcomes the strong reference to upholding human rights standards by the newly elected President of the Ukraine in his address to this Parliament in Strasbourg in February 2005, welcomes the fact that the rule of law was upheld in Ukraine at the time of the presidential elections, and encourages Ukraine to choose the path of openness and democracy, which is an indispensable foundation for ensuring, for all its citizens, human rights in the widest sense; calls on the new government to make legislative and policy reforms guaranteeing press and media freedom all over Ukraine, to end torture and ill-treatment by law enforcement agents, to ensure immediate access to counsel from the moment of detention, and to fight against corruption;
11. Calls on Belarus to grant civil and political rights to all citizens; calls on the authorities in Belarus to immediately stop the execution of political opponents and arbitrary arrests and detentions; supports the work of the Belarusian Association of Journalists, which has been awarded the 2004 Sakharov Prize in recognition of its struggle to provide the citizens of Belarus with unbiased information and balanced reporting; calls on the Belarusian authorities to allow the development of an adoption policy with EU countries and to facilitate a visa system to allow the continuation of holiday programmes for children affected by the Chernobyl nuclear disaster;
12. Recognises the recent elections in Moldova; notes the concerns of the EU Council that the elections did not succeed in meeting certain obligations required for a full competitive electoral process, especially in relation to fair access to the media and impartial campaigning coverage; calls on the new Government of Moldova to investigate reports of alleged torture and ill treatment by police of victims, including minors, and to improve its prison conditions; calls for reforms to improve the rule of law and to redress corruption in the institutions; calls on Moldova to prevent any trafficking in human beings, particularly in women and children including women as sex slaves and trafficking in human organs for transplants; calls on the authorities to ensure political balance in the state-controlled media; considers that arrests of opposition MPs and other actions against peaceful demonstrations constitute clear violations of fundamental rights and freedoms such as freedom of expression, association and assembly; calls on the so-called Dnestr Moldavian Republic to release any remaining political prisoners;
13. Calls on Ukraine and Moldova to crack down on smuggling to, from and through Transnistria as well as Russia to crack down on smuggling from the Kaliningrad Region to Lithuania and Poland and to develop effective anti-corruption programmes for the customs, border guard and tax services, as well as the police;
14. Welcomes the efforts made by Morocco to address the plight of victims of past human rights abuses, particularly the establishment of the Equity and Reconciliation

- Committee; acknowledges the positive developments in prohibiting torture and compensating those who have suffered in the past; supports continued legal reforms such as the Family Code, adopted by the Moroccan parliament in January 2004, and the draft law criminalising torture (December 2004); firmly condemns the use of prison sentences against journalists in so-called defamation cases and calls on the Moroccan authorities to reform the criminal code so as to end prison sentences for violations of press laws; notes that a moratorium on the death penalty exists in Morocco and calls on the Moroccan authorities to abolish the death penalty;
15. Notes with concern reports of violations of human rights in Western Sahara including in the area of freedom of speech and free movement and encourages Morocco and the Polisario Front to move forward on the basis of the internationally recognised Baker Plan; calls on Morocco and the Polisario Front to release all the prisoners of war;
  16. Encourages Morocco and Algeria to deal with the reception of migrants in a humane way; stresses that all such measures must be taken in full compliance with international humanitarian and refugee law;
  17. Calls on Algeria to continue to take into account its human rights obligations when dealing with terrorist threats and welcomes its ongoing process of reform; notes that Algeria needs to continue to promote the freedom for the press, of independent civil society activism, and of political opposition, and welcomes its latest development in this regard; welcomes the continued dialogue between the Algerian government and the EU in the field of illegal immigration; asks Algeria to give a positive answer to the request made by the UN Working Group on Enforced and Involuntary Disappearances and to tackle as a priority the issue of the disappeared;
  18. Calls on Libya to liberate all political prisoners; is deeply concerned by Libyan legislation which bans political parties, associations and media; emphasises the importance of respecting international human rights and humanitarian conventions; calls on the EU to urge the Libyan authorities to grant international human rights organisations permission to enter Libya and to carry out investigations; calls on Libya to allow access for international monitors, to end arbitrary expulsions and arrests of migrants, to ratify the Geneva Convention Relating to the Status of Refugees and to recognise the mandate of the UNHCR;
  19. Urges Tunisia to allow the formation of independent human rights organisations; calls on Tunisia to immediately unblock all funds which the European Union has transferred to human rights organisations, in particular the funds intended for the Tunisian League for Human Rights;
  20. Urges Tunisia to respect fundamental rights such as freedom of opinion, expression and association, and to continue to take all necessary measures to close the remaining gaps in order to comply with human rights conventions as well as the human rights clause in the association agreement; expresses its concern at reports of violations of the rights of human rights defenders including harassment, intimidation, defamation, arbitrary arrest and physical violence; therefore calls on the EU to take account of all these aspects in the framework of the European Neighbourhood Policy (ENP) action plan and to carefully assess on a regular basis the human rights progress made in these fields;

21. Encourages continued EU-Egypt dialogue to promote stability, development and human rights in the Euro-Mediterranean area; as shown in the Euro-Mediterranean Parliamentary Assembly held in Cairo; in this regard, welcomes the release of Dr Noor; calls on Egypt to treat the promotion of human rights as a priority; welcomes the celebration of the Summit on Darfur that is to take place in Egypt and recognises the commitment of the Egyptian government to the promotion of peace in Sudan; calls on Egypt to lift the state of emergency;
22. Recognises that the change in the Palestinian leadership has opened up a new opportunity to find a positive way forward in the region and supports “The Road Map” as the basis of a lasting solution; believes that full political support by the US and EU is essential if this lasting solution is to be achieved;
23. Calls on the new Palestinian leadership to continue to take all necessary measures to stop terrorist activity against Israel, with particular emphasis on bringing to an end the material and moral support for and practice of suicide bombing; supports and is encouraged by the efforts and progress made to date by the new Palestinian leadership to this end;
24. Notes the efforts made by Israel in responding to the new relationship that exists between the Palestinian and Israeli leadership; welcomes in particular the confidence-building measures taken, such as the release of prisoners, the declaration of an end to military attacks, the end to the policy of destroying Palestinian houses and the continued promotion of the disengagement policy in relation to the Gaza strip; recognises the right of Israel to take measures to provide security for Israelis; reminds Israel that any counter-terrorism measures taken cannot ignore human rights considerations;
25. Expresses concern at the existence and scale of a security fence/separation barrier in large parts of the West Bank and its implications for the human rights of local populations; asks Israel to cease further construction of the fence/separation barrier; notes the ruling of the International Court of Justice in relation to the security fence/separation barrier; notes also the ruling of the Israeli High Court of Justice (June 2004) and the Israeli government decision of February 2005;
26. Calls on Syria to respect human rights and in particular freedom of association and is concerned at allegations of terrorist organisations receiving funding from Syria; welcomes the announcement of the Syrian Foreign Minister that all Syrian troops, military assets and intelligence apparatus will be withdrawn fully and completely by 30 April 2005 in compliance with Security Council Resolution 1559 (2004);
27. Calls on the government of Syria to free political prisoners without delay, and to lift definitively the emergency rule; hopes that Syria gives guidance in implementing and giving practical effect to its commitments on human rights and freedoms, particularly as regards the cessation of discrimination against the Kurds and the equality of, and cessation of violence against, women; stresses the high number of arbitrary arrests and imprisonments as well as the widespread use of torture and ill treatment, including of children;
28. Deplores the use of the death penalty in Saudi Arabia and calls on the government to end this practice, which is currently used on a regular basis; is concerned that many

basic rights are not protected under Saudi law and that freedom of expression remains extremely limited;

29. Welcomes the recent local elections as a step towards democracy but denounces gender segregation in Saudi Arabia and the severe discrimination and restriction of freedoms suffered by women, including the lack of a right to vote; recalls that women in Saudi Arabia still need written permission from a male relative to travel and that, when women are mistreated or suffer violence at the hands of male relatives, they often have no means of redress;
30. Recognises the difficulties faced by the new authorities in Iraq in their efforts to establish law and order with the help of the military forces stationed there and expresses its concern regarding the present situation; welcomes the determination and courage shown by the Iraqi people during the recent election campaign and vote, which offered them and their country the prospect of a better democratic future; expresses support for the newly elected parliament in Iraq; hopes that the new democratic Constitution will soon be drafted with the co-operation of minorities; calls on the Commission to give increased support to the authorities of Iraq; calls on the UN to increase its involvement and presence in Iraq; is concerned at reports of continued torture and abuse of prisoners in Iraqi prisons; notes the dangerous conditions under which journalists continue to work in Iraq and deplores the on-going kidnappings; calls for the immediate release of all kidnapped persons and strongly condemns the barbaric activity of hostage-taking, executions and suicide bombings; reaffirms its condemnation of the use of torture and any cruel, inhumane or degrading treatment of prisoners in Iraq by Iraqi authorities or foreign military personnel;
31. Calls on Iran to engage positively in the human rights dialogue with the EU; is very concerned that the human rights situation has deteriorated in the last two years and calls on the Iranian authorities to make a serious commitment to reversing this trend; condemns the serious increase in human rights violations, particularly the increasing number of reports of public executions, and floggings; welcomes the moratorium on stoning and urges the Iranian Parliament to introduce legislation banning this practice without exception; notes assurances given by the Iranian authorities on the introduction of a moratorium on the execution of minors and urges the authorities to pass proposed legislation banning the execution of persons who commit a crime as a minor, this ban must continue to apply after such a person reaches the age of 18; notes assurances given by Iran on a moratorium on amputations; calls on the Council and the Commission to closely monitor the implementation of commitments made by Iran to moratoriums in the three key areas of stoning, execution of minors and amputations; is concerned at the large number of arrests, particularly of women and young people, on the basis of unclear or minor charges; expresses its deepest concern, that a minor was recently executed for sexual misconduct; condemns Iran's abject policy of arrests and imprisonment of journalists and cyber-dissidents and the stifling of press and media freedom; calls on Iran to cease support for terrorist organisations;
32. Asks to be fully associated in the comprehensive review of the Euro-Mediterranean Partnership which is to be submitted to the ministers at the next Euro-Mediterranean Ministerial meeting in Luxembourg;

33. Calls once again on all contracting parties to the Euro-Mediterranean association agreements to translate the human rights clause into a programme for action to enhance and promote respect for human rights and to put in place a mechanism for the regular assessment of compliance with Article 2 of the respective Association Agreements;
34. Is convinced that the European Initiative for Democracy and Human Rights must play a crucial role in the promotion of the EU founding values in the Barcelona process; calls, in this respect, for the strengthening of its action in the Mediterranean partner countries in order to support the development and the consolidation of civil societies and independent non-governmental actors;

*Russia as a neighbour*

35. Deplores and condemns the outrageous acts of terrorism that took place within the Russian Federation in 2004, particularly the tragic and unforgettable acts of terror victimising children in Beslan;
36. Recognises that Russia faces a terrorist threat from extremists, supports Russian efforts to combat terrorism but insists that human rights should be respected in the context of this challenge;
37. Calls on Russia to take immediate measures to end the frequently reported extrajudicial killings by Russian forces, disappearances and torture in custody in Chechnya; urges Russia to give unhindered access to humanitarian organisations, media reporters and human rights observers to Chechnya; reiterates its plea for a lasting political solution to the problems in Chechnya, respecting human rights and recognising the territorial integrity of the Russian Federation;
38. Reminds Russia of its obligations under international humanitarian law; is concerned at Russia's recent legislation, which is liable to curtail human, civil and political rights, for example the elimination of direct elections of governors, the extension of de facto government control over most television stations, laws to limit the right to demonstrate in public, and the retroactive application of laws regarding property and investors rights;
39. Reminds Russia of its stated commitments, as a signatory of the European Convention on Human Rights and Fundamental Freedoms, specifically to respect and promote democratic principles and the rule of law, including the holding of free and fair elections, a healthy political plurality, the existence of alternative sources of information, the right of association, the right of freedom of expression and the transparent and non-discriminatory application of the law by an independent judiciary;
40. Requests Russia to facilitate visits by human rights observers to any part of the country;
41. Calls on the Russian Government to protect any human rights activists and organisations threatened with persecution by local authorities in all republics of the northern Caucasus;
42. Urges the Russian Government to ensure the independence of the judiciary and to observe principles permitting the existence a fair, non-politicised business sector as embraced by democracies in the EU;

*Asia*

43. Welcomes the fact that the government of Kazakhstan has introduced a moratorium on executions and that Kyrgyzstan has extended its moratorium; calls on the governments and parliaments of both countries formally to abolish the death penalty; urges both governments to improve the possibilities for political parties to register and take part in elections; calls on both countries to allow media balance and press freedom;
44. Urges the government of Uzbekistan to take tangible steps towards the abolition of the death penalty following the positive commitment to do so, such as introducing a moratorium on death sentences and executions; welcomes amendments to the Criminal Codes for outlawing torture and ill-treatment in custody and prosecuting their use made in 2003; calls on Uzbekistan genuinely to implement these changes and to liberate any remaining political prisoners; insists on the creation of an independent judiciary; welcomes the recent undertaking by the government to carry out major reforms including strengthening the independence of the judiciary and ending press censorship;
45. Calls on the Tajikistan government to cease its attempts to consolidate power in the run-up to this year's parliamentary elections and to allow opposition parties to register for the elections;
46. Calls on Turkmenistan to grant genuine political freedom, including freedom of expression, to all its citizens; urges Turkmenistan to cease arbitrary detention and imprisonment as well as harassment of political opponents;
47. Welcomes the positive results of the election process in Afghanistan and encourages the new government of Mr Karzai to continue the policy of modernisation and restructuring, with particular emphasis on ensuring human rights for all its citizens; strongly condemns the barbaric activity of hostage-taking and executions of innocent human beings;
48. Welcomes the setting-up of human rights commissions in Afghanistan and in the Maldives; calls, in this respect, on the governments of both those countries to remember that such commissions should be financially supported but should be able to work in an independent way;
49. Welcomes various positive steps in Pakistan in the field of human rights: the setting-up of a joint electorate for minorities, the adoption of the Freedom of Information Act and the allocation of seats for women in the National Assembly; recognises that Pakistan has specific responsibilities in relation to counteracting terrorist activity and the political difficulties that result from that responsibility, but insists that human rights concerns cannot be ignored in any counter-terrorism measures, particularly in relation to detention and imprisonment; regrets President Musharraf's reluctance to fulfil his commitment to separate the role of state government from that of the military, such separation being the hallmark of a normal democracy, where the military is the servant of the democratically elected government;
50. Recognises that India is the largest functioning democracy in the world and supports the progress made in the area of human rights; however, remains concerned at continual



acts of discrimination in Indian society based on caste-related, social, or religious status; considers that, while this is primarily a social problem in rural areas it is an area in which the Indian government needs to continue to promote social change;

51. Welcomes recent positive dialogue between Pakistan and India on Kashmir; remains concerned at reports of human rights abuses in the Kashmir region by members of the Indian military and police forces; calls on the government of India to ensure that all reports of such abuses are investigated promptly by a judicial authority; strongly condemns all acts of terrorism and violence throughout the region and notes the responsibility of Pakistan to make forceful efforts to aid the curbing of such activities; insists on full and open access for media and human rights organisations to the Kashmir region
52. Welcomes the improved human rights situation in Sri Lanka but expresses concern at the Liberation Tigers of Tamil Elam's practice of killing and abducting members of other Tamil political groups and recruiting children;
53. Urges the Bangladesh government to respect the instructions given by its High Court, requiring it to avoid abuse of legal instruments in detaining opposition demonstrators, and to refrain from repressing peaceful political protests by means of detention and torture; urges the Bangladesh government to put an end to the anti-crime operations by the paramilitary Rapid Action Battalion, which involve what amount to extrajudicial killings; calls on the Bangladesh government to take preventive steps against Muslim paramilitary groups which have spread violence and intimidation in rural areas of Bangladesh;
54. Remains concerned that Laos and Vietnam remain single-party led states, which continue to repress ethnic and religious minorities, in addition to democracy and human rights activists, and calls on the governments of both countries to uphold freedom of expression, assembly and religion;
55. Deplores the violation of the human rights of the indigenous Montagnards in Vietnam and calls on the government to eliminate any form of discrimination against any kind of minority;
56. Believes that the lifting of political immunity by the Cambodian National Assembly for Messrs Rainsy, Poch and Channy represents a serious violation of democratic principles and calls on the Cambodian authorities to stop any form of persecution against the democratic opposition in this country; however, encourages Cambodia to institute genuine democratic reforms as a framework for ensuring human rights, in order to eliminate continuing serious deficiencies; calls on Cambodia to step up progress in reforming its judicial system and to reinforce the fight against trafficking in women and children; in this regard, denounces the fact that 91 women and children previously saved from slavery have been kidnapped in Phnom Pehn and calls for their immediate release;
57. Calls on the government of Burma, as a first step to establishing a state based on the will of the people, to stop suppressing legitimate and democratic political activities; urges the government to release immediately Aung San Suu Kyi, a former Sakharov Prize winner, and 75-year-old journalist Win Tin, adviser to Aung San Suu Kyi;

58. Welcomes the fact that China is engaging with the EU in the human rights dialogue; asks Member State governments, the Commission and China to use this dialogue as a real opportunity to bring about changes in the internal policies of China, where major human rights concerns continue to exist, in particular concerning the use of the death penalty and the suppression of freedom of association and religion; stresses that an increasingly positive trade relationship must be contingent on human rights reforms; is concerned at the recent reversal of EU policy by the Council in relation to the embargo on arms sales to China and strongly recommends that the arms embargo remain intact until greater progress is made on human rights issues; calls for an official reassessment of the Tiananmen events by the Chinese authorities, the publication of the list of political prisoners and their unconditional release; notes with concern the treatment of people in Tibet and Xinjiang in the areas of the freedom of association and religion;
59. Condemns the seizure of power by King Gyanendra and the Royal Nepalese Army on 1 February 2005 and the severe censorship law; is alarmed at increased reports of disappearances of persons throughout the country and attacks on human rights activists, journalists, opposition political groups and civil society groups; denounces the serious abuses perpetrated by the guerrillas throughout the conflict which has ravaged the country since 1999; calls on the King to restore democratic rule and communication links, to free all political leaders and human rights defenders and to respect freedom of expression and assembly;
60. Welcomes Indonesia's first ever direct presidential elections in September 2004; is troubled by reports of abuses perpetrated against civilians by Indonesian armed forces and rebel groups in Papua and Aceh provinces; expresses the hope that the process of reconstruction following the devastating impact of the tsunami may be used to promote reconciliation and advance the peace process, thereby putting an end to the long-lasting Aceh conflict; urges the Indonesian authorities to fully investigate and bring to trial those responsible for murders and other crimes against human rights defenders and to ensure that the provisions of the declaration on the protection of human rights defenders, adopted in December 1998 by the UN General Assembly, are fully respected in Indonesia;
61. Calls on North Korea to recognise the plight of its people, who are suffering from the oppression of the North Korean regime, and to begin a genuine process of change at all levels, with a view to bringing about reforms that will recognise the need to respect human rights; points out that, in the annual worldwide press freedom index, North Korea is listed as the worst country in the entire world; deplores the announcement by the North Korean regime of its withdrawal from the multilateral framework for dialogue (the six-party talks);

### *Africa*

62. Highlights the plight of many citizens of countries throughout Africa who have been infected by serious pandemic diseases, particularly HIV/AIDS, recognises the progress that has been made in certain African countries such as Uganda; calls on the Commission to help the UN to develop, in cooperation with the African Union, a comprehensive strategy to contain and minimise the spread of pandemic diseases, particularly of HIV/AIDS; reaffirms the right of every human being to have access to medical care and treatment; calls on the Member States and the Commission to give the

- highest political and financial priority to the fight against infectious diseases, and particularly the growing pandemic of HIV/AIDS, in their development policies;
63. Believes that a comprehensive approach to HIV/AIDS is urgently needed in sub-Saharan Africa if the spread of AIDS is to be halted and reversed by 2015;
  64. Deeply deplores the fact that in various parts of Africa certain human rights violations go unpunished and that people in positions of responsibility may act with impunity; calls on the African Union to get involved in such cases and to cooperate closely with the ICC in order to improve the situation (see ICC thematic section);
  65. Is concerned at the worsening situation in the Gambia, which includes many press freedom violations, and calls for an investigation into the murder of journalist Deyda Hydera in December 2004;
  66. Expresses real concern at recent events in Côte d'Ivoire, which have resulted in racist attacks on civilians; calls on the warring factions of Côte d'Ivoire to respect the human rights of all its citizens;
  67. Is deeply concerned at the coup d'état that allowed Faure Gnassingbé to be appointed President of Togo after the death of his father, in violation of the rules of democracy; calls on the Togolese authorities to set up the necessary institutional framework in order to guarantee free and fair presidential elections, so as to return to constitutional legality and respect for human rights and fundamental freedoms, without which cooperation with the European Union cannot be resumed;
  68. Welcomes the decrease in the number of death sentences imposed by Shari'a courts in Nigeria, but remains concerned that many courts continue to operate in accordance with Shari'a law; considers that Nigeria should instead comply with international standards;
  69. Is alarmed at reports that the Eritrean government continues to persecute Christian minorities throughout the region; notes with added concern that Eritrea continues to be a one-party state and that elections remain unscheduled; asks for the immediate release of all political prisoners and journalists detained in the country; calls on the Eritrean authorities to reverse a deterioration of the human rights situation;
  70. Notes with concern that, since September 2001, 10 independent journalists have been arrested in Asmara, one of whom is a Swedish citizen, Davit Isaak, who has not been tried for any crime and who is still in jail; calls on the Eritrean government to release the imprisoned journalists and to lift the ban on the private press;
  71. Recognises and supports the signing of a new peace deal between forces in southern and northern Sudan to bring to an end two decades of civil war involving horrific human rights abuses; urges all parties involved to respect all protocols to the peace deal;
  72. Calls on the government of Sudan to immediately end any co-operation or collaboration with the Arab militia, or so-called Janjaweed militia, who are inflicting violence on a large population, including human rights abuses, war crimes and crimes against humanity, in the Darfur region in west Sudan; welcomes the report by the UN Commission of Inquiry and supports its findings and recommendations; insists that the

Sudanese government, in coalition with the African Union, take firm and definitive action to end attacks on unarmed civilian populations by all parties and to disarm the Janjaweed militia; calls on the government of Sudan to show willing to negotiate a peace deal with the rebel forces in Darfur;

73. Calls on the EU to impose targeted sanctions on the government of Sudan until such time as there is verifiable evidence showing an end to the policy of ethnic cleansing and mass murder of its citizens; welcomes the decision of the UN Security Council to refer the Darfur situation to the ICC so as to ensure justice for the victims and an end to the climate of impunity which reigns, and to prevent the perpetration of further abuses; deplores, however, the fact that this Security Council resolution stipulates that nationals of States that are not parties to the ICC Statute who are suspected of having committed international crimes in Darfur should be exclusively prosecuted before their own domestic courts;
74. Remains concerned at the high level of incidents in the eastern part of the Democratic Republic of the Congo, in particular in Ituri, North and South Kivu, Maniema and northern Katanga; strongly condemns government forces and rebel combatants who both committed war crimes in the South Kivu town of Bukavu in June 2004;
75. Welcomes the positive process of rehabilitation and reconciliation in Rwanda; urges Rwanda to make even greater efforts to prevent human rights violations and to bring about a lasting peace in central Africa; is alarmed by an increase in the number of attacks on civil society organisations, churches and schools in Rwanda and very concerned by the number of judges and judicial personnel forced to resign as part of so-called judicial reforms;
76. Condemns in the strongest possible terms the massacre at the Gatumba refugee camp in Burundi; urges the Burundi Government and the international community to do their utmost to catch the perpetrators and bring them to justice; supports the transition process in Burundi; welcomes the planned elections as an important step in that transition process;
77. Is deeply concerned by the grim humanitarian situation in northern Uganda, where as a result of the activities of the Lord's Resistance Army of rebel leader Joseph Kony a huge percentage of the population remains in displaced persons' camps; condemns the horrifying human rights violations including the large-scale abduction, mutilation and rape of children in the region by rebels belonging to the Lord's Resistance Army;
78. Welcomes the announcement by the government of Angola that parliamentary elections will be held in late 2006; is concerned by the armed conflict in the Cabinda region and reports of violations against the civilian population by the Angolan armed forces;
79. Condemns in the strongest terms the actions of the government of Zimbabwe and criticises its policies, which promote racial division and economic mismanagement; is concerned that such policies are leading the country into the depths of disaster; notes with concern the substantial drop in food production in recent times and the difficulties that NGOs are experiencing in accessing those in need of aid; calls on the government to cease the oppression of political opposition, guarantee freedom of the media and

ensure that elections are held on a free and fair basis in the presence of reputable international observers;

80. Remains concerned that in Equatorial Guinea political prisoners remain in custody following confessions extracted under torture and that members of the political opposition are subject to detention without charge or trial;

#### *The Americas*

81. Calls on the government of Cuba to accept the right of free assembly and free speech and to immediately restore the unofficial moratorium on the death penalty; once more condemns the death penalty imposed on three hijackers and the imprisonment of political opponents, and asks for their immediate release; calls on the Cuban authorities to allow Sakharov Prize winner Oswaldo Payá to accept the invitation of the European Parliament; and condemns the sudden change of strategy and lifting of sanctions by the Council;
82. Calls on the government of Jamaica to take effective action to stop the extra-judicial killing of people by security forces; also calls on the Government of Jamaica to repeal sections 76, 77 and 79 of the Offences Against the Person Act, which criminalise sex between consenting adult men and are used as justification for unacceptable harassment, notably against HIV/AIDS educators; asks the Government of Jamaica to actively fight widespread homophobia;
83. Supports the views cited by the Inter-American Commission on Human Rights (IACHR), which in October 2004 expressed grave concern over human rights and humanitarian conditions in Haiti;
84. Is concerned about the large number of women violently killed in Guatemala and urges the authorities to investigate thoroughly those crimes and to prevent any recurrence of further violent acts;
85. Shares the Mexican authorities' concern about the large number of women violently killed in Ciudad Juarez (Mexico) and supports the efforts made by the Mexican authorities, and specifically by the specially appointed magistrate, to investigate and clarify those crimes and to prevent any further assassination;
86. Remains concerned at an alarming number of attacks and threats against Guatemalans seeking justice for past human rights abuses, in particular attacks on human rights defenders, justice officials and journalists; welcomes as a positive signal the February 2005 convictions of an ex-paramilitary figure and a former mayor for kidnapping four journalists in 2003, and also the acceptance by the Guatemalan parliament of the opening of an office of the UN High Commissioner for Human Rights, which the Guatemalan Congress is expected to approve as rapidly as possible;
87. Calls on Venezuela to take effective measures against torture and killings by its police force, as well as measures to ensure freedom of expression and free access to information; notes that cooperation is needed with its neighbouring states in order to work together for the stability of the region;

88. Deplores the continuing serious violations of human rights such as the use of child combatants by illegal armed groups in the conflict in Colombia, including several thousand under the age of 15; remains deeply concerned at the threat to human rights defenders in the country and urges, in this regard, the authorities of Colombia to take clear and effective measures so as to protect the life and the work of these persons; is concerned at the deplorable conditions in which a large number of Colombians are being kept, including minors, soldiers and police officers kidnapped more than seven years ago, members of Congress such as Jorge Eduardo Gechem Turbay, Oscar Tulio Lizcano and Luis Eladio Pérez Bonilla, members of the Valle regional assembly, the former minister Fernando de Araujo and the former presidential candidate Ingrid Betancourt; supports the conclusions contained in the Declaration issued at the International Co-operation and Co-ordination Meeting for Colombia, which was adopted at Cartagena as a follow-up to the recommendations issued in London in the presence - inter alia - of the UN, and also the recommendations of the Office of the UN High Commissioner for Human Rights in Colombia;
89. Backs the opinions expressed regarding Colombia by the special United Nations rapporteur, Ambeyi Libago, who recommends that the government should officially declare all militias illegal and disband them and initiate legal proceedings against those responsible for violations of human rights and humanitarian law, whatever their political affiliation;
90. Calls on Ecuador immediately to abolish the police courts in order to effectively bring members of the security forces accused of ill-treatment before an impartial civil court;
91. Is concerned at an increase in attacks on journalists in Peru and, in particular, the murder of two well-known journalists in 2004; is alarmed at the high level of reported cases of torture and death in custody of suspects in Peru's prisons;
92. Recognises that urban violence in Brazil remains a concern and continues to attract most attention, but points out that rural violence and land conflict intensified in 2004, especially on the Roosevelt reservation, home of the Cinta-Larga indigenous peoples in the state of Rondônia;
93. Urges the United States to move towards abolition of the death penalty, notes that the continued use of the death penalty in the USA is not consistent with the image of a country endeavouring to instil standards of human rights, freedom and justice throughout the world, and is encouraged by recent statistics showing a steady reduction in the use of the death penalty in the US;
94. Condemns the US Government for the treatment to which prisoners have been subjected in Guantánamo; urges the US government to ensure that all its prisoners, including those held in Guantánamo detention camp, are granted minimum human rights in accordance with international human rights law and fair trial procedures; calls on the US to immediately clarify the situation of the prisoners in Guantánamo and in other locations in respect of international human rights standards and humanitarian law, and repeats its positions on the dramatic situation of the prisoners in Guantánamo, as reiterated in several of its resolutions;

95. Calls on the US to submit a report to the UN Human Rights Committee on its compliance with the International Covenant on Civil and Political Rights (ICCPR);

### *Thematic Issues*

#### *I. Human Rights and the Fight against Terrorism*

96. Utterly condemns terrorism in all its forms;
97. Recognises the new phenomenon of global terrorism against democracies, which has resulted in brutal and murderous attacks on large numbers of victims, recognises that these attacks have been targeted to influence democratic processes; notes that such terrorism represents a new and violent threat to basic and fundamental human rights;
98. Reaffirms that, in order to face this terrible modern threat, the prime duty of democratic governments is to protect citizens with resolve, to fight terrorism firmly and tenaciously and to detect and dismantle any terrorist networks; insists that, in that effort, and in prosecuting the alleged perpetrators, governments must themselves uphold the rule of law as well as their international human rights commitments including humanitarian and refugee law;
99. Recognises that EU solidarity is needed to face the challenge of terrorism; deems it crucial to set up comprehensive strategies that can help to address the causes of extreme poverty, insecurity, state breakdown and the growth of fundamentalism, which may contribute to the emergence of terrorist activity;
100. Takes note of the report of the United Nations High Level Panel on Threats, which highlights that the global counter terrorism effort "has in some instances corroded the very values that terrorists target: human rights and the rule of law";
101. Supports the attempts by individual states to reinforce national legislation and strengthen regional and international co-operation to avert acts of terrorism but insists that this must not be at the expense of international human rights, humanitarian and refugee law and that States should ensure that security legislation is not applied against human rights defenders as a means of preventing their human rights work; recognises the suffering and desolation of the victims and calls on states and all other administrations to implement measures for legal and social protection; requests the Commission to promote the drafting of an International Convention, in the context of the UN, for the protection and assistance of victims of terrorism;
102. Calls on the Council and Member States to ensure closer coordination between relevant Council Working Parties charged with the EU's counter-terrorism activities, including cooperation with third countries in the context of the implementation of relevant United Nations Security Council resolutions, and the Council Working Party on Human Rights; and encourages close cooperation between the EU's Counter-Terrorism Coordinator and the Personal Representative on Human Rights recently appointed by the Council's Secretary-General/High Representative for the CFSP;
103. Recognises the need for a strong and co-ordinated response to terrorism and insists that acts of terrorism can never be justified; notes that measures need to be specific to each

- terrorist organisation; calls, in this respect, on the Council to keep Parliament regularly informed about the updated list of terrorist organisations and the justifications for the changes;
104. Reminds all states that they have an obligation to respect and to ensure the fundamental rights and freedoms of persons within their jurisdiction;
  105. Recognises the Berlin Declaration by the International Commission of Jurists as an attempt to outline the acceptable balance between the fight against terrorism and respect for human rights;
  106. Urges states, when enacting counter-terrorism measures, to adhere to the principles of legality, necessity, proportionality and non-discrimination;
  107. Calls on all states not to criminalise the lawful exercise of fundamental rights and freedoms; stresses that criminal responsibility for acts of terrorism must be individual, not collective;
  108. Calls on all states to ensure that any derogation from a right subject to derogation during an emergency is temporary, strictly necessary and proportionate to meet a specific threat, and that it does not discriminate on grounds of race, colour, gender, sexual orientation, disability, age, religion, language, political or other opinion, national, social or ethnic origin, property, birth or other status;
  109. Calls on all states not to detain any person secretly and to maintain a register of all detainees, and also to give all persons deprived of their liberty prompt access to lawyers and medical personnel if required;
  110. Calls on all states to ensure, at all times and in all circumstances, that alleged offenders are tried only by an independent and impartial tribunal established by law and that they are accorded full fair trial guarantees, including the presumption of innocence, the right to test evidence, rights of defence, the right to effective legal counsel and the right of judicial appeal;
  111. Emphasises that, in the implementation of counter-terrorism measures, states must respect and safeguard fundamental rights and freedoms, including freedom of expression (unless that expression is an incitement to hatred or violence), religion, conscience or belief, association and assembly, as well as the right to privacy, which is of particular concern in the sphere of the gathering and dissemination of intelligence;
  112. Calls on states not to expel, return, transfer or extradite a person suspected or convicted of acts of terrorism to a state where there is a real risk that the person would be subjected to a serious violation of human rights, including torture, inhuman or degrading treatment or punishment, enforced disappearance, judicial or extrajudicial execution or a deliberately unfair trial;
  113. Emphasises that, during times of armed conflict and situations of occupation, states must apply and respect the rules and principles of both international humanitarian law and human rights law;



114. Calls on states not to outsource interrogation of prisoners to countries where torture may be used; urges states not to have recourse to evidence obtained under duress or torture; reminds states that when detaining suspected terrorists they should respect the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
115. Calls on the Commission to highlight states who use the threat of terrorism as an excuse for introducing repressive policies, in particular those aimed at restricting the freedom of the press and media; stresses in particular the fact that, in the context of fighting against terrorism, security laws must not legitimise persecution of human rights defenders;
116. Calls on the Council and Member States in particular to address the human rights deficit in the United Nations' approach to counter-terrorism, including by ensuring that measures which the Security Council's Counter-Terrorism Committee recommends to states meet international human rights standards;

## *II. Children's Rights*

117. Highlights that one in twelve of the world's children is involved in the worst forms of forced labour, sexual exploitation or enforced military conscription<sup>1</sup>;
118. Supports the definition of a child contained in the UN Convention on the Rights of the Child (CRC)<sup>2</sup> and the African Children's Charter<sup>3</sup>, which state that everyone below the age of 18 is a child, without exception;
119. Requests the Commission to present a communication on children's rights and EU Development Policy;
120. Calls on the Council and the Commission to ensure specific focus on children's rights as underlying principles and objectives in themselves within the EU's revised Development Policy Statement;
121. Is alarmed that there are now more children living in poverty than at any other time in history; calls on the Commission and the Council to place children and children's rights at the centre of the EU's contribution towards achieving the Millennium Development Goals;
122. Recognises that the near-universal ratification of the CRC may not be reflected in the subsequent implementation process<sup>4</sup>; calls on all states to make the leap from universal acceptance to universal observance;

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<sup>1</sup> UNICEF Report on Child Labour, 2005.

<sup>2</sup> Adopted in 1989 and ratified by all states with the exception of the USA and Somalia.

<sup>3</sup> Adopted by the Organization for African Unity in 1990.

<sup>4</sup> The CRC is the only human rights treaty that covers the full spectrum of civil, political, economic, social and cultural rights.

123. Urges states to respect the monitoring and reporting mechanism procedures of the CRC; feels that the implementation of the Convention is a key factor in holding governments to account;
124. Supports the Optional Protocol to the CRC on the involvement of children in armed conflict; urges states, including EU Member States, to sign and ratify this Protocol;
125. Urges the United States to ratify the CRC at the earliest possible opportunity, as it remains one of only two states yet to ratify the Convention, the other being Somalia, which lacks a functioning government;
126. Is deeply concerned that millions of children continue to die every year from preventable diseases, denied their right to health and life, and that millions of children are affected by HIV/AIDS, themselves infected or orphaned;
127. Is deeply concerned that approximately 104 million school-age children are denied their right to education, most of them girls; calls on the Commission to make good on commitments to the Fast Track Initiative and to engage proactively on education issues with ACP partners;
128. Is deeply concerned about the increasing number of children caught up in global trafficking; views this situation as a failure on the part of the world community as a whole, and stresses the need for urgent action and laws to punish perpetrators and protect victims;
129. Supports measures at regional and international level to combat all forms of child labour;
130. Calls on all states to end recruitment of children to armed forces and the use of children under the age of 18 in armed hostilities;
131. Categorically condemns the barbaric use of 'child soldiers' in conflicts and wars; calls on the countries involved to respect universally recognised legislation on human rights;

### *III. The Impact of Conflict on Women and Children*

132. Highlights that, in recent years, mass rape in wartime situations has been recorded in numerous countries, including Cambodia, Liberia, Peru, Bosnia, Sierra Leone, Rwanda, the Democratic Republic of the Congo, Somalia and Uganda; is alarmed that most recently in Darfur, western Sudan, displaced people have described a pattern of systematic and unlawful attacks against civilians, including rape, by a government-sponsored Arab militia and the Sudanese military forces; recognises that particular attention must be given to the most vulnerable groups in society in such situations, notably women, children, disabled persons and older persons;
133. Condemns the barbaric use of rape as a tool of war and insists that the international community must continue to make it clear that the use of rape in war is a breach of international humanitarian law and international conventions; calls for a strong legal

response in terms of prosecution, to redress these crimes; notes that the Rome Treaty, which established the ICC in 2000, clearly classifies rape as a crime against humanity;

134. Recognises the impact of mass rape in making women and girls vulnerable to contracting HIV/AIDS, urges the EU to ensure that post-exposure prophylaxis, including even interruption of the pregnancy, are made available immediately to all women and girls who have been raped;
135. Denounces the fact that in many cases those responsible for acts of sexual violence and rape committed in conflicts go unpunished and unreported, and considers that the implementation and full respect of reproductive health rights would contribute to minimise these cases;
136. Is concerned over allegations of sexual and physical abuse by UN personnel in, inter alia, the Democratic Republic of the Congo, Bosnia and Kosovo;
137. Is concerned that thousands of children continue to be used as “armed pawns” in more than 20 countries across the globe; points out that, according to the 2004 Global Report on Child Soldiers, child soldiers were used in armed conflict by the governments and armed rebel groups in Burundi, the Democratic Republic of the Congo, Côte d'Ivoire, Guinea, Liberia, Myanmar, Rwanda, Sudan and Uganda and by rebel forces in Sri Lanka; strongly urges all government armed forces and other armed groups to release immediately all children in their ranks;
138. Supports the Optional Protocol to the CRC on the involvement of children in armed conflict and urges all states, including EU Member States, to sign and ratify this Protocol;
139. Recognises that it is primarily boys that have been used as child soldiers, but points out that girls are increasingly used as active fighters and prostitutes in armed conflicts;
140. Emphasises that children are recruited to armed forces for multiple tasks and roles such as messengers, spies, cooks, porters, etc., and that all of these tasks put children at risk; stresses the particular vulnerability of girls to violence and sexual exploitation in their roles as forced sex slaves and/or forced wives;
141. Requests the UN and the international community at large to pay increased attention to the impact of conflict situations on women and children, especially those belonging to ethnic, linguistic and/or religious minorities and in particular when they are targeted as a deliberate war strategy;
142. Welcomes the adoption in 2003 of the EU Guidelines on Children and Armed Conflict; requests the Council and the Commission to submit a progress report on the implementation and impact of these Guidelines to the European Parliament at six-monthly intervals; is encouraged by positive signals that the Commission is showing a readiness to cooperate;

#### *IV. Abolishing the Death Penalty*

143. Welcomes the continuing trend towards the abolition of the death penalty; recognises that more than half the countries in the world, totalling 118 states, have now abolished the death penalty in law or practice; remains concerned that 78 states still maintain a retentionist policy on the death penalty;
144. Commends Bhutan, Samoa, Senegal and Turkey, which abolished the death penalty for all crimes in 2004;
145. Calls on the authorities in the Philippines to put a stop to the implementation of death sentences, and at all events to respect defendants' minimum judicial and procedural guarantees, and in particular urges the authorities in that country to review the case of the EU citizen Francisco Juan Larrañaga from Spain, who was sentenced to death in a trial riddled with irregularities and devoid of the minimum judicial and procedural guarantees;
146. Encourages states to ratify the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty;
147. Calls on the EU to use multilateral fora, such as the UN Commission on Human Rights, to encourage states to ratify and comply with international human rights instruments that deal with the death penalty, and to continue its practice of presenting a resolution at the UNCHR to abolish the death penalty, impose a moratorium on all executions and call upon retentionist states to respect minimum standards established by the UN;
148. Welcomes Resolution 2004/67, adopted by the UN Commission on Human Rights on 21 April 2004 at the Commission's annual session in Geneva, which called upon all states that maintain the death penalty to abolish it completely, and in the meantime to establish a moratorium on executions; recognises the role played by the EU and all its Member States who backed the resolution; urges all states to respect the UN resolution and, at the very least, to introduce a moratorium on executions;
149. Calls on all countries which have introduced a moratorium on the death penalty to move towards complete abolition;
150. Is concerned that Asia remains the continent that executes the highest number of people; is alarmed that China carries out more executions than any other country in the world, with thousands of reported executions in 2004; calls on China to release its official figures for executions in 2004;
151. Is concerned that the reactivation of the death penalty by Sri Lanka, ending a 27-year moratorium on executions, runs counter to the international trend towards abolition of the death penalty, and therefore urges the Sri Lankan authorities to seek alternative solutions to address criminality;
152. Notes that there is a moratorium on the death penalty in Russia but that so far the death penalty has not been abolished in Russian legislation; calls on Russia to take immediate steps to ratify Protocol No 6 to the European Convention on Human Rights, on the abolition of the death penalty, and to sign Protocol No 13 on the abolition of the death penalty in all circumstances;

153. Is alarmed at the high number of executions in Iran, in particular of minors, and Iran's refusal to release official statistics on the death penalty;
154. Calls on Commission and Council, in the context of its human rights dialogue with China and Iran, to exert pressure on those states for a moratorium on the death penalty which would be really implemented and lead to a change of legislation;
155. Calls on the new Iraqi government not to reinstate the death penalty, especially as there was no mention of capital punishment in the provisional constitution;
156. Is concerned that Afghanistan in April 2004 carried out the first execution since the fall of the Taliban; calls on the new leadership recently elected in Afghanistan to introduce a moratorium on the death penalty;
157. Welcomes the decision of the lower house of Parliament in Tajikistan in June 2004, which voted in favour of a law suspending the death penalty;
158. Is concerned that the Vietnamese government now views the reporting and release of statistics on the use of the death penalty as a state secret; remains deeply concerned by the high number of executions carried out in Vietnam last year;
159. Is encouraged that Africa continues to reduce the use of capital punishment; in particular, welcomes the fact that Zambia has ordered a review of all capital trials that resulted in death verdicts and has proposed to parliament the abolition of the death penalty; welcomes a similar decision in Malawi, where the President also commuted 79 death sentences in April 2004;
160. Calls on west African states to take a united stand and abolish the death penalty completely, in particular Guinea which is a retentionist country;
161. Is encouraged by the fact that the death penalty has virtually ceased to exist in Europe, and calls on Belarus to make this a reality; also calls on those Member States of the EU (France, Italy, Luxembourg and Spain) and of the Council of Europe which have not already done so to ratify Protocol No 13 to the European Convention on Human Rights concerning the abolition of the death penalty in all circumstances;
162. Condemns once more the application of the death penalty in Cuba after a number of years of suspension of capital punishment;
163. Welcomes a proposal by the President of Mexico to abolish the death penalty completely<sup>1</sup>;
164. Calls on the United States to abolish the death penalty and welcomes the encouraging trend in the USA where the number of persons sentenced to death has decreased;

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<sup>1</sup> Article 22 of the current Mexican Constitution restricts the scope of the death penalty, but does not outlaw it altogether. Under Mexican law, the death penalty is retained in the military penal code. However, there have been no executions for more than 50 years.

recognises that, since 1999, death sentences have diminished by 54%, executions have been reduced by 40%, and the numbers on death row have fallen by 6%<sup>1</sup>;

165. Encourages the Commission to maintain its *amicus curiae* (friend of the court) brief<sup>2</sup> in cases before the US Supreme Court, as in 2001, concerning minors and persons with mental illness who had been sentenced to death;
166. Urges the EU to consistently promote its Guidelines on the Death Penalty, adopted in 1998, when dealing with non-EU countries;
167. Urges states with a retentionist policy not to impose the death penalty on persons aged under 18 at the time the crime was committed, pregnant women or persons with mental disorders, and insists that capital punishment be imposed only for the most serious crimes;
168. Urges states which impose the death penalty on persons accused of same-sex consensual sexual relationships to abolish such laws and judicial practices;

*V. Trafficking in humans and human organs – sex industry and child labour*

169. Recognises the definition of trafficking as laid down in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, adopted by the UN General Assembly in November 2000<sup>3</sup>;
170. Recognises that women and children are particularly vulnerable to what can become a modern-day form of slavery;
171. Points out that slavery is prohibited by Article 4 of the Universal Declaration of Human Rights<sup>4</sup>;
172. Stresses that trafficking in human beings in whatever form is an abuse of human rights, and prohibited by Article 5(3) of the EU Charter of Fundamental Rights;
173. Recognises that trafficking in women and children for sexual exploitation is an international, organised, criminal phenomenon that has grave consequences for the safety, welfare and human rights of its victims;

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<sup>1</sup> The Death Penalty in 2004: Year End Report, Death Penalty Information Center, December 2004.

<sup>2</sup> An *amicus curiae* brief is filed by someone who is not party to the case and can provide information on legal matters, and is often filed in an attempt to lobby the Supreme Court.

<sup>3</sup> “‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.’

<sup>4</sup> Article 4: ‘No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.’

174. Points out that women and children who are the subject of trafficking for sexual exploitation are often sexually abused and robbed of their freedom of movement and identity;
175. Emphasises that trafficking and forced prostitution are internationally recognised as violations of human rights, with the Convention on the Elimination of All Forms of Discrimination Against Women specifically requiring states to “suppress all forms of traffic in women and exploitation of prostitution of women” (Article 6);
176. Is concerned that women and children who have entered the country without documentation, or who have been the victims of trafficking and robbed of their papers, are often unable to seek legal redress for the abuses they have suffered;
177. Emphasises that trafficking in women and children is a global problem, and encourages states to act in a co-ordinated manner to improve international law enforcement to combat this crime;
178. Stresses the need, at EU level, to train law enforcement officials on how to investigate trafficking rings, and border guards on how to identify traffickers and their victims;
179. Recognises that trafficking in human beings is not confined to the sex industry, as women and children are also subjected to trafficking and made to work as forced labour;
180. Points out that, according to UNICEF, more than 20,000 children are enslaved by cross-border smuggling in west and central Africa;
181. Recognises that trafficking in human organs is a highly organised criminal international activity with serious and harmful consequences; calls for a more focused response from the international community to combat this scourge;
182. Urges individual states to strengthen the criminal justice response to trafficking through legislative reform, awareness-raising and training; stresses the need to support and protect victims who give evidence;
183. Strongly welcomes the draft Council of Europe Convention on action against trafficking in human beings (January 2005); urges the Commission, with the support of the Council, to ensure that the draft Council of Europe Convention lays down the highest standards of protection of the human rights of trafficked persons;
184. Is encouraged by the Commission's commitment to produce a communication on preventing and combating trafficking in human beings;
185. Recognises the Commission's efforts, especially through the TACIS and CARDS programmes, to develop measures to combat trafficking, but stresses the need to step up its actions in key transit countries such as Belarus, Moldova, the Russian Federation and Ukraine;

## *VI. Role of international business in Human Rights*

186. Encourages companies operating at an international level to view human rights as a benchmark for policy, to take into account their duty under Corporate Social Responsibility obligations and to adopt minimum standards based on these norms; strongly invites companies to create clear mechanisms to monitor effectively all their operations in compliance with codes of conduct and international human rights standards;
187. Recognises that businesses may be in a strong position to influence government decisions in the global market; encourages businesses to promote, protect and secure the rights of their workers and of those employed by their suppliers, subcontractors and business partners even if such rights are not protected by a particular country's national law;
188. Calls on businesses to ensure that their products are not used in violation of human rights;
189. Recognises that in recent years businesses have been the target of consumer action and human rights campaigns to make them more responsive to human rights concerns, and that sometimes the effect of such campaigns has been destructive, due to unreasonable demands; urges companies to adopt certain minimum standards to ease public concerns;
190. Recognises the first and second principles of the United Nations Global Compact, which state that "businesses should support and respect the protection of internationally proclaimed human rights" within their sphere of influence and that they "should make sure they are not complicit in human rights abuses", as well as principles three to six, which ask world businesses to uphold fundamental workers' rights;
191. Welcomes the report of the UN Commission on Human Rights on the UN Norms and hopes that the UN will continue its broad-based consultations on the UN Norms, considering their important status as a benchmark for the responsibilities of businesses with regard to human rights<sup>1</sup>;
192. Encourages companies to work, where appropriate, with local human rights NGOs;
193. Urges companies not to operate in a state where unilateral and regional sanctions or trade embargoes have been imposed on account of human rights concerns;
194. Calls on the EU to adopt a code of conduct for European companies operating internationally and in particular in developing countries, similar to the European Initiative for Ethical Production and Consumption;
195. Reiterates its call for Commission delegations in third countries to promote, and act as contact points concerning, the OECD Guidelines for Multinational Enterprises;
196. Calls on the EU to promote the concept of an International Business Code of Conduct for issues relating to human rights;

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<sup>1</sup> The UN report was submitted to the UNHCR in March 2005 in Geneva.



*VII. Impunity and the role of the ICC*

197. Is convinced that there can be no sustainable peace without accountability for atrocities and believes that ending the climate of impunity in societies shattered by war and grave human rights violations is vital if respect for the rule of law, peace and democracy are to be re-established;
198. Believes that the establishment of the ICC, which is complementary to national jurisdictions, forms part of a system of international justice in which national courts, international and mixed tribunals and the ICC work together towards effectively ending impunity for serious violations of human rights and thus deterring their occurrence;
199. Urges the Commission and EU Member States, when programming cooperation assistance to countries emerging from wars, to support the strengthening of national capacities to prosecute grave human rights violations;
200. Calls on EU Member States to assist the ICTY, the International Criminal Tribunal for Rwanda and the Special Court for Sierra Leone to successfully implement their mandate, notably through the securing of effective state cooperation and the immediate delivery of indictees, including Mladic, Karadzic, Gotovina and Taylor;
201. Urges the Commission, the Council and EU Member States, in conformity with the EU Common Position on the ICC of June 2003 and the Action Plan subsequently adopted (January 2004), to continue vigorous efforts to promote universal ratification of the Rome Statute and adoption of implementing legislation, to increase démarches and other actions to defend the Court when it comes under attack and to ensure effective state cooperation with the Court; requests that each EU presidency present to the European Parliament a report of actions undertaken under the Common Position;
202. Welcomes the fact that the Republic of Uganda and the Democratic Republic of the Congo (DRC) have referred two situations to the Chief Prosecutor of the ICC<sup>1</sup>;
203. Recognises that an estimated 5,000-8,000<sup>2</sup> unlawful killings have been committed since 1 July 2002 in the DRC; strongly welcomes the decision by the ICC's Prosecutor (June 2004) to investigate war crimes in the DRC; believes the investigation will send a strong message that impunity for all war crimes is coming to an end;
204. Welcomes the decision by the Prosecutor in July 2004 to open an investigation in northern Uganda into allegations of attacks on the civilian population, including the abduction of thousands of children, by rebels belonging to the Lord's Resistance Army;
205. Urges EU Member States to take all appropriate measures to fully cooperate with the ICC in order to ensure successful investigations; in particular, urges all EU Member States to sign witness relocation agreements with the Court and to share all relevant information at their disposal; encourages the EU to enter into a cooperation agreement

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<sup>1</sup> The Prosecutor has repeatedly stated that he will examine allegations of sexual violence, such as rape, in both cases. However, the ICC, will not prosecute child soldiers since, according to its Statute, the accused has to be over 18 years old.

<sup>2</sup> Figures based on data from Office of the Prosecutor, ICC, October 2004.

with the ICC that will allow the EU to cooperate effectively with the Court and assist it to carry out its investigations successfully;

206. Welcomes the latest referral to the Prosecutor from the Central African Republic (January 2005);
207. Welcomes the EU's declaration supporting the contents of the UN Commission of Inquiry's report on Darfur<sup>1</sup>; strongly recommends that the UN Security Council refer the situation in Darfur to the ICC;
208. Is alarmed that rules relating to the conduct of war and protection of victims in conflicts continue to be violated; calls for the end to this cycle of impunity and supports the ICC as the appropriate mechanism for dealing with human rights abuses in an international context, following conflict situations;
209. Recommends to the Council and the Commission that they consider measures which may encourage the United States of America to take a more positive view of the ICC;
210. Reminds states who have ratified the Rome Statute that signing an agreement providing immunity from ICC prosecution with a state that has not signed the Rome Statute is not in the spirit of the Statute; calls on the United States, in particular, to ratify this Statute and to refrain from negotiating a special status for its military personnel, who would be granted a kind of 'international immunity'; calls on EU institutions and Member States to actively support states which are suffering pressure and financial sanctions because of their refusal to sign such agreements;
211. Believes that ending the climate of impunity in states destroyed by war and serious human rights violations is crucial to re-establishing respect for the rule of law, democracy and human rights;
212. Calls for the inclusion in each of the four relevant external relations instruments<sup>2</sup> of an explicit, consistent and concrete commitment to support the promotion of human rights and democracy as a fundamental and priority goal;
213. Calls for the European Initiative for Democracy and Human Rights to be preserved and improved, with an increased commitment to focusing on human rights and democracy by the EU;

#### *VIII. Institutional and Policy Developments*

214. Calls on the Commission to continue to strengthen the human rights aspects in all international relations and other policy areas;

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<sup>1</sup> International Commission of Inquiry on Darfur, Report to UN Secretary General, 25 January 2005

The Development Cooperation and Economic Cooperation Instrument (DCECI), the European Neighbourhood and Partnership Instrument (ENPI), the Stability Instrument (SI), and the Instrument for Pre-accession Assistance (IPA).

215. Calls upon the Council and the Commission to address and take concrete measures in respect of those countries which have laws that discriminate on the grounds of sexual orientation; calls on those countries which have laws that make same-sex consensual sexual relationships between adults a criminal offence to abolish them;
216. Welcomes the adoption of the EU Guidelines on Human Rights Defenders in June 2004; urges the EU to consistently support and assist human rights defenders and journalists who are at risk due to the fact that attacks on, and detention of, journalists and human rights defenders have increased in 2004; calls, in this respect, on the Council to fully include the situation of human rights defenders in the political dialogues with third countries;
217. Calls on the European Union to make efforts to improve the coherence of human rights policy and to ensure a better flow of information; points out that economic considerations should on no account result in the Union's ignoring or playing down human rights violations;
218. Calls on the European Union and its Member States to speak with one voice on human rights violations, in particular in the United Nations Commission for Human Rights, where in the past the EU has not carried enough weight in the decision-making process because there was no consensus among the Member States;
219. Reiterates that respect for human rights, as outlined in EU agreements with third countries, constitutes an essential element of these agreements; calls, in this respect, on the Commission to put in place a clear mechanism for implementation of the human rights clause included in the EU contractual relations with third countries and to review, in light of this, present and future agreements; calls on the Commission, in view of the 10th anniversary of the Barcelona process, to draw up a public report on human rights in the Mediterranean countries upon which to develop the partnership further;
220. Calls, in this regard, for the setting up of sub-committees on human rights within the framework of the Association Agreements so as to develop a structured dialogue on human rights and democracy and to identify the key areas of concern to be dealt with in the ENP action plans; emphasises the importance of consulting and involving civil society in the work of these sub-committees in order to better monitor the human rights situation; also stresses the need for Parliament to be closely associated in the work and the follow-up of these sub-committees; in this respect, calls on the Commission once again to draw up a progress report on the human rights situation in the ENP countries;
221. Recommends the evaluation of the activities of the Council and the Commission, as described in the European Union Annual Report on Human Rights, in relation to the countries and thematic concerns highlighted in its previous resolutions, in terms of the impact and effectiveness of those activities;
222. Welcomes the appointment by Javier Solana, EU High Representative for the CFSP, of Mr. Michael Matthiessen as his Personal Representative on Human Rights<sup>1</sup>;

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<sup>1</sup> Presidency Conclusions, Brussels 16/17 December 2004 (section 52).

223. Stresses the need for this position to be authoritative and asks the new Representative to co-operate closely with the European Parliament, to be accountable and to work closely with the relevant committees in the EP; calls on the Council to strengthen the human rights staff capacity in the General Secretariat of the Council, in order to ensure adequate support for the Personal Representative in discharging his mandate;
224. Takes note of the conclusions adopted in December 2004 by the Council on the implementation of the EU Guidelines on Human Rights Dialogues; stresses the need for Parliament to be involved in the implementation of these guidelines at least through an information process on the part of the Council twice a year; draws attention, in particular, to the EU structured dialogues with China and Iran and calls, in this respect, on the Council to develop a closer co-operation with Parliament; more generally, calls on the Council to keep Parliament informed on a regular basis of the implementation and the follow-up of the EU Guidelines on human rights matters and to submit a progress report on the impact of these guidelines on the ground;
225. Welcomes the recruitment of staff responsible for contacts with civil society in the Commission's delegations in third countries and calls on these delegations to ensure the protection of those who uphold human rights in the event of emergencies;
226. Supports, in this respect, all initiatives taken by the Council, the Troika and the Presidency which aim at addressing major concerns about the human rights situation in third countries; calls on the Council to present once a year to Parliament the results of the work plan proposed by each Presidency as regards common strategies; calls on the Council to systematically transmit the human rights-related declarations and démarches to Parliament in order that it may be fully and thoroughly informed; believes that every effort should be made to give greater consistency and coherence to the external action of the EU;
227. Reiterates its demand to the Commission to undertake training in human rights in each of the EU's delegations in third countries and to ensure clear application of the Guidelines;
228. Hopes that there can be a real and objective assessment of the impact and improvements actually made in the human rights situation in the world as a result of the work carried out by the EP in this sphere, which at present does not seem to have a substantial and tangible effect;
229. Notes the decision of the Council to establish a fully-fledged agency for fundamental and human rights<sup>1</sup>; expects that this agency's main aim will be to support the Commission in reducing the divergence between the Union's internal and external policies on human rights; encourages the Council to include candidate countries within the agency's remit;
230. Recognises that the inclusion in the Constitution of the EU Charter of Fundamental Rights demonstrates that the EU is taking seriously the issue of human rights within its

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<sup>1</sup> Presidency Conclusions, Brussels 16-17 December 2004. Communication from the Commission: The Fundamental Rights Agency: Public Consultation Document, SEC(2004)1281, Brussels, 25.10.2004, COM(2004)0693.

borders, and thus recommends that the scope of the agency's remit be extended to cover all areas of the Charter and the relevant provisions of the first part of the Constitutional Treaty, as a further example of the EU's commitment to apply these rights in practice;

231. Recommends that the agency should not duplicate the work already carried out under the auspices of the Council of Europe; therefore recommends that the agency should develop institutionalised cooperation with the Council of Europe and its institutions, and with the European Court of Human Rights, and that it should also pay attention to the work of the OSCE and the UN;
232. Suggests that the agency should establish a meaningful dialogue with civil society and national experts, and that it should build links with academic institutes;
233. Strongly emphasises the need for the agency to be independent and to report to Parliament regularly if it is to be an effective and credible monitor of fundamental rights in the EU;
234. Calls for the timely adoption of the UN Declaration on the Rights of Indigenous Peoples; to this end, advocates the prompt resumption of the proceedings of the Working Group on the draft Declaration; in this respect, calls on the Commission and the Council to fully support the cause of indigenous populations and to take into account the conclusions of that Declaration;
235. Welcomes the proposed revision of the EU's Code of Conduct on Arms Exports under the Luxembourg Presidency and calls on the Council to take steps to ensure that all Member States abide strictly by its provisions, to provide the necessary resources for monitoring and enforcement, and to further promote and work towards a global arms trade treaty;

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236. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the accession countries, the United Nations, the Council of Europe, the OSCE and the governments of the countries mentioned in this resolution and the offices of the main human rights NGOs based in the EU.