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Delegations receive in the ANNEX the EU Annual Report on Human Rights and Democracy in the World in 2010.

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**EU ANNUAL REPORT**  
**ON HUMAN RIGHTS AND DEMOCRACY IN THE WORLD**  
**IN 2010**

# Table of contents

<b>Preface</b> .....	<b>6</b>
<b>1 Overview</b> .....	<b>7</b>
<b>2 EU Instruments and initiatives in non-EU countries</b> .....	<b>13</b>
<b>Introduction</b> .....	<b>13</b>
2.1 <i>EU guidelines on human rights and international humanitarian law</i> .....	13
2.2 <i>Human rights dialogues and consultations</i> .....	14
2.3 <i>Council decisions and crisis management</i> .....	18
2.4 <i>Declarations and démarches</i> .....	21
2.5 <i>Human rights clauses in agreements with non-EU countries</i> .....	22
2.6 <i>European Neighbourhood Policy (ENP)</i> .....	23
2.7 <i>Activities funded under the European Instrument for Democracy and Human Rights (EIDHR)</i> .....	25
2.7.1 <i>Key achievements in 2010</i> .....	26
2.7.2 <i>Mid-term assessment of the EIDHR</i> .....	27
2.7.3 <i>Case Studies</i> .....	28
2.7.4 <i>Lessons learnt</i> .....	29
<b>3 Thematic Issues</b> .....	<b>30</b>
3.1 <i>The death penalty</i> .....	31
3.2 <i>Torture and other cruel, inhuman and degrading treatment or punishment</i> .....	34
3.3 <i>Human rights defenders (HRDs)</i> .....	36
3.4 <i>Freedom of thought, conscience and religion or belief</i> .....	39
3.5 <i>Freedom of expression including 'new media'</i> .....	42
3.6 <i>Rights of the child</i> .....	44
3.7 <i>Children and armed conflict</i> .....	47
3.8 <i>Human rights of women</i> .....	48
3.9 <i>Women, peace and security</i> .....	52
3.10 <i>The ICC and the fight against impunity</i> .....	56
3.11 <i>Human rights and terrorism</i> .....	59
3.12 <i>Human rights and business</i> .....	61
3.13 <i>Economic, social and cultural rights</i> .....	62
3.14 <i>Asylum, migration, refugees and displaced persons</i> .....	64
3.15 <i>Trafficking in human beings</i> .....	66
3.16 <i>Combating racism, xenophobia and discrimination</i> .....	70
3.17 <i>Lesbian, Gay, Bisexual, Transgender &amp; Intersex persons</i> .....	71
3.18 <i>Rights of persons with disabilities</i> .....	73
3.19 <i>Rights of Persons belonging to minorities</i> .....	75
3.20 <i>Indigenous Issues</i> .....	78
3.21 <i>Democracy &amp; elections</i> .....	80

3.21.1	Democracy support .....	80
3.21.2	Election support .....	82
3.21.3	Electoral Assistance (EA) .....	86
<b>4</b>	<b>EU action in international forums .....</b>	<b>89</b>
4.1	<i>65th session of the UN General Assembly</i> .....	89
4.2	<i>The United Nations Human Rights Council (HRC)</i> .....	92
4.3	<i>The Council of Europe (CoE)</i> .....	96
4.4	<i>The Organisation for Security and Cooperation in Europe (OSCE)</i> .....	98
<b>5</b>	<b>Country and regional issues .....</b>	<b>100</b>
5.1	<i>EU candidates and others</i> .....	100
5.1.1	Turkey.....	100
5.1.2	Western Balkans .....	101
5.1.3	Croatia.....	103
5.1.4	former Yugoslav Republic of Macedonia.....	104
5.1.5	Montenegro.....	106
5.1.6	Albania.....	107
5.1.7	Bosnia and Herzegovina .....	108
5.1.8	Serbia.....	109
5.1.9	Kosovo (under UNSCR 1244).....	110
5.2	<i>Countries of the European Neighbourhood Policy</i> .....	112
5.2.1	European Neighbourhood Policy .....	112
5.2.2	Eastern Partnership (EaP) .....	112
5.2.3	South Caucasus (regional) .....	113
5.2.4	Armenia .....	113
5.2.5	Azerbaijan.....	114
5.2.6	Georgia .....	116
5.2.7	Belarus .....	118
5.2.8	Republic of Moldova .....	120
5.2.9	Ukraine .....	122
5.2.10	Union for the Mediterranean (UfM).....	124
5.2.11	Egypt.....	125
5.2.12	Israel.....	126
5.2.13	Occupied Palestinian Territory (OPT) .....	127
5.2.14	Jordan.....	130
5.2.15	Lebanon.....	131
5.2.16	Syria .....	132
5.2.17	Tunisia.....	134
5.2.18	Algeria.....	135
5.2.19	Morocco .....	136
5.2.20	Western Sahara .....	137
5.2.21	Libya .....	137
5.3	<i>Russia and Central Asia</i> .....	138
5.3.1	Russia.....	138
5.3.2	Central Asia (regional).....	141
5.3.3	Kazakhstan.....	143
5.3.4	Kyrgyz Republic .....	144
5.3.5	Tajikistan .....	145
5.3.6	Turkmenistan .....	145
5.3.7	Uzbekistan .....	147
5.4	<i>Africa</i> .....	148
5.4.1	African Union .....	148
5.4.2	Angola.....	150
5.4.3	Burundi .....	151
5.4.4	Chad.....	152

5.4.5	Cote d'Ivoire.....	154
5.4.6	Democratic Republic of Congo.....	156
5.4.7	Eritrea .....	157
5.4.8	Ethiopia.....	158
5.4.9	Gambia.....	159
5.4.10	Guinea.....	160
5.4.11	Guinea-Bissau .....	161
5.4.12	Kenya .....	162
5.4.13	Liberia .....	163
5.4.14	Madagascar .....	164
5.4.15	Malawi .....	165
5.4.16	Mauritania .....	166
5.4.17	Mozambique.....	167
5.4.18	Niger .....	167
5.4.19	Nigeria.....	169
5.4.20	Rwanda .....	170
5.4.21	Senegal.....	171
5.4.22	Somalia .....	172
5.4.23	South Africa .....	173
5.4.24	Sudan.....	173
5.4.25	Togo .....	175
5.4.26	Uganda .....	176
5.4.27	Zimbabwe .....	178
5.5	<i>The Middle East and the Arabian Peninsula .....</i>	<i>179</i>
5.5.1	Bahrain.....	179
5.5.2	Iran.....	180
5.5.3	Iraq.....	182
5.5.4	Saudi Arabia .....	184
5.5.5	Yemen.....	185
5.6	<i>Asia and Oceania.....</i>	<i>187</i>
5.6.1	Afghanistan.....	187
5.6.2	Bangladesh.....	189
5.6.3	Burma/Myanmar .....	190
5.6.4	Cambodia.....	192
5.6.5	China.....	194
5.6.6	Democratic People's Republic of Korea (DPRK).....	196
5.6.7	Fiji.....	198
5.6.8	India .....	199
5.6.9	Indonesia.....	200
5.6.10	Japan .....	202
5.6.11	Laos.....	202
5.6.12	Malaysia.....	203
5.6.13	Nepal.....	204
5.6.14	Pakistan .....	205
5.6.15	Philippines.....	207
5.6.16	Sri Lanka .....	209
5.6.17	Thailand .....	210
5.6.18	Timor Leste.....	211
5.6.19	Vietnam.....	212
5.7	<i>The Americas .....</i>	<i>214</i>
5.7.1	Canada .....	214
5.7.2	USA .....	214
5.7.3	Latin America and the Caribbean .....	216
	<b>Latin America .....</b>	<b>218</b>
5.7.4	Argentina .....	218
5.7.5	Bolivia.....	218
5.7.6	Brazil.....	219
5.7.7	Chile.....	220
5.7.8	Colombia.....	220
5.7.9	Ecuador .....	221

5.7.10	El Salvador.....	222
5.7.11	Guatemala .....	222
5.7.12	Honduras.....	223
5.7.13	Mexico .....	224
5.7.14	Nicaragua .....	225
5.7.15	Paraguay.....	225
5.7.16	Peru .....	226
5.7.17	Venezuela.....	226
5.7.18	Uruguay.....	226
	<b>The Caribbean</b> .....	227
5.7.19	Cuba .....	227
5.7.20	Haiti.....	228
5.7.21	Jamaica.....	229
<b>6</b>	<b>The European Parliament's actions on human rights.....</b>	<b>230</b>
<b>7</b>	<b>List of abbreviations .....</b>	<b>244</b>

## Preface

Human rights constitute a journey and a work-in-progress, as much for the Union itself, as for its partners around the world. This EU Annual Report on Human Rights and Democracy in the World tells the story of that journey in 2010. It charts the EU's human rights work in its relations with other countries, both in its formal dialogues and in its practical, direct assistance. It also reviews the Union's work in multilateral forums, especially the UN, in trying to establish and entrench human rights as indivisible and universal.

We remain absolutely committed to strengthening this work.

We have shown this at the UN Human Rights Council, for instance in our stance on Belarus, or in supporting the work of various UN Special Rapporteurs, and in pushing for resolutions on issues such as Freedom of Religion. At the UN General Assembly, the EU was instrumental in securing a moratorium on the death penalty.

In its relations with countries around the world, the EU can be even more effective in safeguarding and promoting human rights. I want to see human rights dialogue established as an integral part of the formal meetings we hold with third countries. Within those countries themselves, meanwhile, there are a number of ways in which we can offer human rights support, and I want us to use them all. That is why I have tasked each of our EU Delegations with developing its own human rights country strategy. Over 150 strategies will be developed by the end of 2011, and 90 are already under review. They will look not just at civil and political rights but also at social, economic and cultural rights. And they will see us acting not only in our more traditional areas such as women's and children's rights, but also in newer areas, such as human rights in the business context.

With the values of human rights at the heart of the Union, perhaps no other volume is quite so significant as this, in looking at what a collective European foreign policy can do, and why. I warmly commend it to you.

# 1 Overview

The publication of this report comes at an historic time. Human rights and democracy have come centre stage as a result of the seismic changes they have brought about in countries where they had long been thought to be strangers. This report shows how the EU continued its long-term work throughout 2010, carefully laying the groundwork to meet such rising challenges.

2010 was the first full year in which the EU began to work under the provisions of the Treaty of Lisbon, which spelt out the principles underlying CFSP as follows:

*The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.*

This centrality was reflected in the remarks of the High Representative to the European Parliament on 16 June 2010. This was the occasion for her to set out the broad lines of her approach to human rights, and to announce the launch of a consultation process on the review of EU policy and to inform a new EU human rights strategy.

The High Representative delivered very clear messages on human rights, democracy and the rule of law: "These will run like a silver thread through everything we do externally... In the EU, we have many tools to help make the world a better place. We need to mobilise and connect them better."



Multilateral work on human rights developed through 2010, not least because of the considerable activity generated by preparations for the review (in 2011) of the UN Human Rights Council (HRC) in Geneva. Even as discussions were underway on the rules and procedures governing the work of the HRC, there were other signs that it was beginning to fulfil its potential and live up to its mandate of "promoting universal respect for the protection of all human rights and fundamental freedoms for all", and addressing "situations of violations of human rights, including gross and systematic violations", and being able to make recommendations to deal with them effectively.

The EU was able to record some notable successes at the HRC in 2010, thanks in large measure to its active engagement through cross-regional groupings and with its major partners. The mandates of various UN Special Rapporteurs were renewed (never a foregone conclusion): Burma/Myanmar, DPRK, Sudan, Somalia, Cambodia and Haiti. The EU lent its support to the creation of a new mandate for a Special Rapporteur on the rights to freedom of peaceful assembly and association. And resolutions were passed on the situations in the DRC, Guinea, the Kyrgyz Republic and Afghanistan, as well as the freedom of religion or belief.

Unfortunately, there were also some negative trends at the HRC. There were unprecedented attempts to qualify the authority of the HRC President, and criticism of the way that the UN's Special Rapporteurs perform their very difficult job. The EU was at pains to defend their ability to perform their functions independently, in accordance with the terms of their respective mandates.

More generally 2010 saw new questioning of the very concept of 'human rights defenders', something that the EU - led by the High Representative - was forthright in defending. The EU has set support to human rights defenders as a crucial element of its policy for protecting and promoting of human rights around the world. In 2010 it reinforced this by getting EU missions around the world to draw up local strategies for cooperating with human rights defenders.

Later in the year, the EU reached all its main objectives at the Third Committee of the UN General Assembly (sitting in New York, it also deals with human rights issues). Based on a cross-regional initiative the resolution for a moratorium on the death penalty was passed with record support, and a resolution against religious intolerance was adopted by consensus. Country specific resolutions on DPRK and Burma/Myanmar were also successfully adopted. Maintaining the reference to discrimination based on sexual discrimination in the resolution on extra-judiciary executions was also a success.

In its bilateral work, the EU continued its longstanding policy of engagement with other countries through its range of nearly 40 regular human rights dialogues, consultations and dedicated sub-committees. Focus in 2010 was on the evaluation of certain human rights dialogues, particularly those with China and Russia, with a view to ensuring their effectiveness and tailoring them to meet new challenges in the respective countries.

On 26 April 2010 the Council adopted conclusions on improving prevention to tackle violence against women. These underlined the EU's commitment to fighting all crimes - not only those against life, physical integrity, and freedom, but also coercion, threats and attacks against moral integrity. In this way the EU reaffirmed its attachment to a comprehensive perspective on such issues, building on its Guidelines on violence against women.

2010 was marked by the tenth anniversary of United Nations Security Council Resolution (UNSCR) 1325 on women, peace and security, which considerably raised the interest towards these issues around the world. The anniversary drew the attention of the international community to shortfalls in implementation of UNSCR 1325, particularly with regard to its component on the protection of women from sexual violence during armed conflict. As an important step towards ensuring more monitoring and accountability, the Security Council had a high level debate on 26 October 2010 resulting in validation of the set of indicators developed by UNIFEM to monitor the implementation of UNSCR 1325.

For the EU, the anniversary year saw several important developments, including the adoption of 17 indicators for monitoring implementation of EU policy on women, peace and security; the elaboration of the report 'Lessons and best practices of mainstreaming human rights and gender into CSDP military operations and civilian missions'; and the development of outlines for standard training elements for the CSDP on human rights, child protection and gender.

With globalisation affecting every sphere of activity, child labour received increased attention in 2010. The Council marked the international day against child labour, on 12 June, by adopting wide-ranging conclusions. It agreed to step up EU efforts towards eliminating child labour by using EU instruments including policy dialogue, combined with development cooperation and trade incentives, more effectively. Taking as its basis the EU Guidelines on the rights of the child, the Council called for child labour to be brought up in EU dialogues with other countries, and for the issue to be incorporated in EU poverty reduction strategies and wherever else relevant.

The impact of social media was one of the defining features of 2010. On one hand, as in Iran, it showed its tremendous potential for the organisation of protest, but on the other hand it precipitated a crackdown on the freedom of expression by unsettled regimes. The EU was quick to speak out on the problems faced by human rights defenders and journalists. In its conclusions of 22 March the Council reiterated its commitment to freedom of expression throughout the world as a universal right entitling individuals to seek, receive and impart information regardless of frontiers. The EU called on all States to put an end to internet censorship and to stop jamming satellite broadcasts.

As pro-democracy movements gained ground in different countries, particularly towards the end of 2010, the Council addressed the subject of democracy support in its conclusions of 13 December. These took stock of progress in the field and endorsed a list of countries for pilot implementation of the EU 'Agenda for Action': Republic of Moldova, the Kyrgyz Republic, Lebanon, Ghana, Benin, the Solomon Islands, the Central African Republic, Bolivia, Mongolia, Philippines, Indonesia and the Maldives.

Unfortunately, 2010 saw a rise in repressive legislation against Lesbian, Gay, Bisexual and Transgender people. This was a particular issue in some African countries. The Council decided to adopt a new 'toolkit' on combating the specific discrimination facing these groups. The EU also issued various statements rejecting and condemning homophobia as a violation of human dignity. The EU also called on all States to ensure that sexual orientation and gender identity cease to be a basis for criminal penalties.

2010 saw a continued growth in attention to the freedom of religion or belief. For the EU this meant putting into practice the Council's conclusions of 16 November 2009, which foresaw an evaluation of existing EU initiatives and the working up of new proposals. As part of this process, the EU embarked on a path of proactive engagement with various partners in a long term effort to build bridges of tolerance and inter-religious harmony.

The role of private security service providers came to fresh prominence in 2010, with renewed calls for their regulation. This raised a number of important issues touching on several branches of international law, including the law on the use of force, international humanitarian law, international criminal law and the law of state responsibility. For this reason, the EU took a view that consideration of the issues should begin with a close examination of existing international regulatory frameworks.

Following the adoption of UNSCR 1894 (2009), on the protection of civilians in armed conflict, the EU began work in 2010 on new 'Draft Revised Guidelines on the Protection of Civilians for CSDP Missions and Operations'. This was to take advantage of the experience gained from CSDP missions and operations to update the previous guidelines from 2003. The aim was to develop a comprehensive approach for the EU, covering the different roles of humanitarian and military actors and instruments. Following consultations with the UN (OCHA and DPKO) and the ICRC, the result was a set of detailed provisions for the planning and conduct of CSDP missions and operations.

2010 saw the successful conclusion of the Review Conference of the Rome Statute of the ICC in Kampala (31 May - 11 June) where the definition and conditions for exercise of the Court's jurisdiction over crimes of aggression were agreed. Ahead of this Conference, the Council adopted conclusions on 25 May 2010, reaffirming the EU's strong commitment to the ICC and to the fight against impunity. At the Conference, the EU made four pledges as proof of the high value that it attaches to the Court and its mission. The EU committed itself to establish a complementarity toolkit on how to better integrate the special needs linked to the fight against impunity into programmes for development and the rule of law.

The EU and the involvement of the High Representative contributed in 2010 to the accession of three new States to the Rome Statute: Bangladesh, Seychelles and Republic of Moldova.

International criminal justice, administered in particular by the ICC and International Criminal Tribunals for the former Yugoslavia (ICTY), Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL), plays a vital role in maintaining peace and strengthening international and local security. At a national level, the EU supports the extraordinary chambers in the Courts of Cambodia (ECCC) and the Special Tribunal for Lebanon.

As may be seen, 2010 was a period of intense activity for EU work on human rights and democracy. At a time when Europe faces challenges of its own, its commitment to outreach remains resolute.

## **2 EU Instruments and initiatives in non-EU countries**

### ***Introduction***

Over the past decade the EU has equipped itself with a full set of tools for giving practical form to its values and principles. This is in line with the Treaty on European Union, which requires the EU to advance its principles in the wider world. It does this by talking to people, seeking out the common ground and bridging divides. This may be done through formal human rights dialogues and consultations, or through quieter informal contacts with counterparts. This section sets out the wide range of tools available to the EU for promoting and protecting human rights.

### ***2.1 EU guidelines on human rights and international humanitarian law***

The eight so-called 'guidelines' form the backbone of EU human rights policy. Though they are not legally binding, they are adopted unanimously by the Council of the EU, and therefore represent a strong political expression of the EU's priorities. They also provide practical tools to help EU representatives around the world advance our human rights policy. Thus the guidelines reinforce the coherence and consistency of EU human rights policy.

The EU now has human rights guidelines on the following subjects:

- Death penalty (adopted in 1998, updated in 2008)
- Torture and other cruel, inhuman or degrading treatment or punishment (adopted in 2001, updated on 2008)
- Human Rights dialogues (adopted in 2001, updated in 2009)
- Children and armed conflict (CAAC) (adopted in 2003, updated in 2008)
- Human Rights Defenders (adopted in 2004, updated in 2008)
- Promotion and Protection of the Rights of the Child (adopted in 2007)

- Violence against women and girls and combating all forms of discrimination against them (adopted in 2008)
- Promoting compliance with International Humanitarian Law (adopted in 2005, updated in 2009)

More information about the guidelines is available in a brochure published March 2009. They are also available in full on the Council's website, in all EU languages as well as Russian, Chinese, Arabic and Farsi.

In 2010 it was agreed that, while respecting the coherence of EU action worldwide, there was a need to tailor the EU's approach to individual situations. To this end, it has been decided to establish local human rights strategies for different countries, constantly reviewing our priorities and the most effective use of our assorted tools, while engaging our partners with respect.

## ***2.2 Human rights dialogues and consultations***

In 2010 the EU held dedicated political dialogues on human rights with around 40 countries, and with the African Union. These dialogues have proven to be a useful instrument of EU human rights policy. They give the possibility to channel human rights concerns, including on individual cases, while at the same time exchanging on best practices, building partnerships and clearing contentious issues. Dialogues have also led to a number of results on the ground, the most visible cases being when dialogues are closely followed-up and linked to concrete action plans, legislative reforms and project, which the EU can support through its other EU instruments, including cooperation assistance. They are not a substitute for raising human rights questions in other forms of political dialogue, but they do enable the EU to discuss human rights with certain partners at a greater level of detail than would otherwise be possible.

An external review of the dialogue with China – the oldest of the EU human rights dialogues – was concluded in 2010. On the basis of the recommendations of this review, the EU is engaging with the Chinese authorities to improve the modalities and substance of the dialogue. Similarly, an evaluation of the human rights dialogue with Russia was launched in 2010.

More generally, as part of the general review of the EU human rights strategy undertaken since mid 2010, work started in the second half of the year, notably within the Council working group on human rights (COHOM) and in consultation with civil society, on reviewing and improving the EU's human rights dialogues, with a view to improving their efficiency and impact on the ground. Best practices are being identified across the range of dialogues that currently exist:

(a) Structured human rights dialogues;

- African Union
- Armenia
- Belarus
- China
- Georgia
- Indonesia
- Iran (suspended since 2006)
- Kazakhstan
- Kyrgyz Republic
- Republic of Moldova
- Tajikistan
- Turkmenistan



(b) Dialogues conducted in dedicated subcommittees under Association Agreements, Partnership and Cooperation Agreements or Cooperation Agreements, in particular in the context of the European Neighbourhood Policy;

- Cambodia
- Egypt
- Jordan
- Laos
- Lebanon
- Morocco
- Pakistan
- Palestinian Authority
- Tunisia
- Uzbekistan
- Vietnam

(c) Local human rights dialogues;

- Argentina
- Brazil
- Chile
- Colombia
- India
- Mexico
- Sri Lanka
- Vietnam

(d) Consultations on human rights issues.

- Canada
- Israel
- Japan
- New Zealand
- Russia
- U.S.
- Candidate countries: Croatia, Iceland, Turkey, and FYROM

In addition, nearly all the 79 African, Caribbean and Pacific countries that are party to the Cotonou Agreement have a dialogue with the EU based on Article 8 of the agreement, encompassing a regular assessment of developments concerning the respect for human rights, democratic principles, the rule of law and good governance.

In case of problems, an intensified political dialogue can be foreseen including agreeing on benchmarks, targets and, corrective measures. According to Article 9 of the Cotonou Agreement, respect for human rights, democratic principles and the rule of law constitute its essential elements. Article 96 foresees that where one of those essential elements is violated, one party can invite the other to hold consultations aimed at finding a solution acceptable to both. If no solution is found, in emergencies, or if one party refuses consultations, appropriate measures can be taken including (as a last resort) suspension of the Agreement with regard to the country in question.

In 2010 consultations according to Article 96 were opened with Guinea Bissau. Appropriate measures were applicable to five other countries: Zimbabwe, Fiji, Guinea, Niger and Madagascar.

## **2.3 Council decisions and crisis management**

Throughout 2010 the EU continued to implement and consolidate its specific human rights and gender equality related policies within the Common Security and Defence Policy, and to further develop its *acquis* on the protection of civilians. The issue of human rights and gender mainstreaming into CSDP was regularly discussed by the relevant working parties of the Council.

One operation (EUTM Somalia) was launched in 2010. During the basic training period, Somali soldiers receive specific instruction, not only in purely military techniques but also training in human rights, international humanitarian law, refugee law, gender issues and protection of civilians in conflicts, in particular women and children.

One of the main achievements in the area was the endorsement by the Council, in December 2010, of the ‘Lessons and best practices of mainstreaming human rights and gender into CSDP military operations and civilian missions’<sup>1</sup>. Since the EU launched its first crisis management operation in 2003, a number of lessons and best practices had been identified on how the effective consideration of human rights and gender aspects in mission and operation planning and implementation contributes to its success and improves its operational effectiveness. The recommendations contained in the report endorsed by the Council, make a number of suggestions:

- Include reporting on, assess and learn from the mainstreaming of human rights and gender in future lessons reports and six-monthly progress reports of operations and missions. Consider carrying out specific evaluations of mainstreaming human rights and gender in CSDP operations and missions.
- Ensure human rights and gender issues are reflected in operation and mission benchmarks, planning and evaluation. The implementation of the host country commitments should be closely followed in the monitoring and evaluation of the operation or mission at political as well as operational level.

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<sup>1</sup> For the full list, see document 17138/1/10 REV 1

- Emphasise the overall responsibility of senior operation and mission management staff at headquarters and field level for human rights and gender mainstreaming.
- Position the human rights and gender adviser / focal point strategically in the organisation chart, close to the operation or mission management and taking part in strategic meetings so as to have access to the necessary information that mainstreaming inside the operation or mission requires, and the backing to carry out the mainstreaming across different operation or mission components.
- Consider devising, if appropriate, accountability mechanisms on possible breaches of the Code of Conduct by operation or mission staff.
- Consider devising a standard ‘welcome package’ to all operation and mission staff as they take up their duty.
- Explore synergies between CSDP and other EU foreign policy instruments, and identify means to increase combined effectiveness, including between lessons processes in CSDP and development co-operation and by a wider sharing of respective best practices.
- Increase communication with the public in order to, on the one hand, enhance prevention of human rights violations and, on the other hand, build public support to and knowledge of the CSDP both within and outside of the EU and create a contact point for the local population in order to strengthen outreach to the public.

The elaboration of standard training elements on human rights, child protection and gender was another key achievement in 2010. As a follow up to the Council document ‘Implementation of UNSCR 1325 and UNSCR 1820 in the context of training for the ESDP missions and operations - recommendations on the way forward’<sup>2</sup>, the Council adopted the outlines for EU standard human rights and gender training elements in December 2010. Full-fledged modules will be developed over 2011. In addition, Finland prepared in 2010 a ‘Human Rights and Crisis Management handbook for members of CSDP missions’<sup>3</sup> as a practical tool for mission and operation personnel.

The EU continued to facilitate the networking between human rights and gender advisers and focal points of its CSDP missions and operations. This followed an initiative by the Council Secretariat in November 2009 to facilitate regular meetings between gender advisers and focal points deployed in CSDP operations and missions. The second meeting took place in July 2010 in conjunction with the first thematic lessons exercise and was a combined meeting of human rights and gender advisors and focal points.

The Council endorsement of the Revised Guidelines on the Protection of Civilians in CSDP Missions and Operations<sup>4</sup>, as developed by the EU in consultation with the United Nations - notably the Office for Coordination of Humanitarian Affairs and the Department for Peacekeeping Operations - as well as the International Committee of the Red Cross, was another important achievement. Besides describing the current state of play regarding the Protection of Civilians, this new document provides concrete and practical guidelines in the planning, conduct and subsequent lessons processes of CSDP missions and operations - and emphasises the need for the EU/CSDP to continue to cooperate closely with, and take into account best practice identified by, the UN and other relevant organisations concerning the Protection of Civilians.

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<sup>2</sup> Document 13899/09

<sup>3</sup> ‘Human Rights and Crisis Management - a handbook for members of CSDP missions’, ISSN 0358-1489 ISBN : 978-951-724-886-0, PDF ISBN : 978-951-724-887-7

<sup>4</sup> 15091/10

## **2.4 *Declarations and démarches***

The EU attaches great importance to keeping human rights concerns in the public eye. This is why it makes extensive use of public declarations, to put across its concerns or to welcome positive developments. These declarations are agreed unanimously.

In other cases, when it judges that this will be more effective, the EU may prefer to *démarche*. *Démarches*, or formal diplomatic approaches, are important instruments of all foreign policy, and are used by the EU to raise human rights concerns with the authorities of non-EU countries. The EU also regularly *démarches* around the world to promote the universality and integrity of the Rome Statute of the International Criminal Court. *Démarches* are usually performed confidentially by local EU representatives.

The subjects handled most frequently by these means are as follows: protection of human rights defenders, illegal detention, forced disappearances, the death penalty, torture, child protection, refugees and asylum seekers, extrajudicial executions, freedom of expression and of association, the right to a fair trial, and elections.

## ***2.5 Human rights clauses in agreements with non-EU countries***

The EU seeks to insert a human rights clause in all political framework agreements, such as Association Agreements and Partnership and Cooperation Agreements, concluded with non-EU countries. This clause provides that human rights, as set out in the Universal Declaration of Human Rights, inspire the internal and external policies of the parties and constitute an essential element of the agreement. It makes clear that human rights constitute a central part of the political dialogue between the parties, and serves as a basis for the implementation of positive measures on a par with other key provisions in an agreement. In the event of serious and persistent breaches of human rights, the human rights clause enables one party to the agreement to take restrictive measures against the offending party in proportion to the gravity of the breaches.

Several new agreements containing a human rights clause entered into force in 2010, namely an Interim Agreement on trade and trade-related matters with the Republic of Serbia on 1 February 2010, a Partnership and Cooperation Agreement with the Republic of Tajikistan on 1 January 2010, a Stabilisation and Association Agreement with the Republic of Montenegro on 1 May 2010 and an Interim Agreement with Turkmenistan on trade and trade-related matters on 1 August 2010. Moreover, the EU signed a Framework Agreement containing a human rights clause with the Republic of Korea on 10 May 2010.

In its Resolution of 16 December 2010 on human rights in the world, the European Parliament emphasised the importance and indispensability of human rights and democracy clauses in agreements between the EU and non-EU countries. The Resolution called for more effective implementation of the human rights clauses, including through the establishment of an enforcement mechanism linked to benchmarks to measure implementation of human rights obligations.

## **2.6 European Neighbourhood Policy (ENP)**

In 2010 ENP Action Plans were in force with Armenia, Azerbaijan, Egypt, Georgia, Israel, Jordan, Lebanon, Republic of Moldova, Morocco, the Palestinian Authority and Tunisia, while relations with Ukraine were shaped by the Association Agenda. A new action plan was (and still is) under negotiation with Morocco. All these arrangements are agreed bilaterally, and contain specific objectives in the areas of democracy, the rule of law and human rights, with emphasis varying by country. The commitments in the Action Plans aim to support reforms in the area of democracy, the rule of law and human rights. They set out an agenda of political and economic reforms with short and medium-term priorities. Human rights and democratisation issues therefore remain at the core of the EU's relations with ENP partners, including as regards formal upgrading of relations.

In addition to political dialogue meetings at all levels, dedicated subcommittees or human rights dialogues offer platforms for regular exchanges on these issues, and help joint monitoring on implementation of commitments. Civil society is consulted before and after these meetings.

During 2010 several human rights subcommittees were held with southern partners, notably Morocco (11 October 2010), the Palestinian Authority (26 February 2010), Tunisia (25 February 2010) and Lebanon (3 May 2010). The informal working group on human rights with Israel met on 2 September 2010. With Egypt, commitments in the field of human rights under the ENP Action Plan were discussed on 10-11 March 2010 within the subcommittee on political matters, human rights and democracy, international and regional issues. Negotiations with Algeria were initiated with a view to setting up a subcommittee on political affairs, security and human rights.



As for the eastern partners, subcommittees on Justice, Freedom and Security met with the Republic of Moldova in October 2010 and Ukraine in April 2010. Apart from the EU-Moldova human rights dialogue launched in March 2010, in October 2010 the Commission and Council services took part in the fourth “informal human rights expert meeting” with the Republic of Moldova, during which it took stock of progress towards meeting the human rights commitments of the Action Plan; UN, OSCE and the Council of Europe representatives participated actively. A new Justice Freedom and Security Subcommittee was established with Armenia, which held its first meeting in July 2010).

Human rights dialogues took place with Georgia (July 2010) and Armenia (December 2010). A civil society seminar on fair trial guarantees and on the independence of the judiciary was held in November 2010 in Yerevan in complement to the dialogue between Armenia and the EU. In November 2010, the first session of the EU-Azerbaijan Subcommittee on justice, freedom and security, human rights and democracy took place.

Regarding **judicial reform**, work continued in order to enhance the capacity and efficiency of the judiciary in line with relevant national reform strategies. Efforts to secure greater judicial independence, effectiveness and impartiality faltered in several partner countries (Armenia, Azerbaijan, the Republic of Moldova and Ukraine), while certain advances were noted in others (Georgia, Jordan). In the field of **penitentiary reform**, progress remained slow across Armenia, Azerbaijan, Georgia, Egypt, the Republic of Moldova, Morocco, Ukraine and Tunisia, while reform advanced in Jordan in cooperation with international partners. Prison overcrowding, use of ill treatment and torture and lack of access by human rights and international observers to penitentiary facilities remain significant unaddressed issues in most ENP partner countries. In the area of **juvenile justice**, there was a dialogue with Georgia, Jordan, Morocco and Ukraine on the development of appropriate measures.

With the assistance of The Hague Conference, Algeria, Egypt, Lebanon, Jordan, Morocco and Tunisia participated in the work of the Judicial Conference on Cross-Frontier Family Law Issues – the so-called “Malta Process” which seeks to promote expert dialogue on international child protection and **family law** issues. The Malta Process is recognised by these ENP partners as a point of reference in deliberating on and settling cross-frontier family law disputes, as well as protection policies for child and young offenders by law enforcement agencies. Regional cooperation under the **Euro-Mediterranean Justice Programme** with the participation of all Mediterranean ENP partners including Algeria and Syria continued in 2010, covering the themes of access to justice and legal aid, resolution of cross-border family conflicts and criminal and prison law.

## **2.7 Activities funded under the European Instrument for Democracy and Human Rights (EIDHR)**

### **Paying tribute to human rights defenders**

“The presence in court of an outside observer is highly effective and should be more widely used as a protection strategy.”

*These are the words of Floribert Chebeya, a leading human rights activist in the Democratic Republic of Congo in an interview shortly before he was found dead in Kinshasa in June 2010.*

The European Instrument for Democracy and Human Rights (EIDHR) is an independent EU financing tool aimed at supporting democracy and the rule of law and promoting and protecting all human rights and fundamental freedoms worldwide within the framework of relevant EU policies, specifically designed to complement EU assistance provided through bilateral development cooperation and EU political dialogue on human rights and democracy with partner countries. For more information on the EIDHR see [www.eidhr.eu](http://www.eidhr.eu)

## 2.7.1 Key achievements in 2010

Local calls for proposals organised by 93 EU Delegations under the 'country based support scheme'.

A global call for proposals to support Human Rights Defenders.

465 new grant contracts concluded.

Launch of a rapid reaction mechanism to directly support human rights defenders in need of urgent protection.

### Urgent protection needs

EU support to human rights defenders, and in particular those who are at risk or in need of urgent protection, may be provided in various forms.

- Direct assistance provided through projects managed by specialised international NGOs selected under public calls for proposals.
- 'Cascade' grants by the above (international) NGOs to local NGOs or directly to individuals.
- Ad hoc direct financial support to human rights defenders in certain cases in accordance with Article 9.1<sup>5</sup> of the EIDHR Regulation: small grants of up to €10 000 per grant to human rights defenders in need of urgent protection or assistance are awarded by Delegations or EU Headquarters.

Following the coup in Honduras, €30 000 were channelled through three local NGOs to cover legal, medical and other urgent needs of over 30 endangered human rights and pro-democracy activists. Also in 2010, this mechanism allowed to cover the legal defence of eight human rights defenders in India facing criminal charges following their work in raising issues of torture and impunity.

Input and feedback from civil society organisations is an important element in developing and fine-tuning the details in the programming and implementation of EIDHR.

In 2010, in the context of the Structured Dialogue between the EU and civil society, the so-called 'Palermo II' process, several seminars took place involving civil society organisations from EU and other countries. A regional seminar was organised in Amman (Jordan) in June 2010, where over 160 participants from the European Neighbourhood and EU countries and institutions exchanged views on EU human rights policy, with a special focus on aid instruments. This was an outstanding opportunity to learn lessons from the past and to gather recommendations for the future.

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<sup>5</sup> Art. 9.1 EIDHR Regulation: "The Commission may allocate small grants on an ad hoc basis to [individual] human rights defenders responding to urgent protection".

Amman Seminar three main recommendations:

1. Recommendation to the EU as a policy body:

*Ensure coherence between political commitments and the allocation of funding to implement them.*

2. Recommendation to the EU as a donor:

*Elaborate more flexible project management procedures.*

3. Recommendation to Civil Society Organisations:

*Develop genuine and sustainable networks at national, regional and international level.*

## 2.7.2 Mid-term assessment of the EIDHR

2010 marked the end of the implementation of its first strategy covering 2007-2010. Overall, more than 1200 grants were awarded during this period, involving activities in some 140 countries worldwide for more than €331 million. This excludes sensitive projects which are kept confidential and activities related to Election Observation Missions (EOMs).

In terms of number of projects, the “rule of law & democracy” theme was the most represented, while “torture and death penalty” received the biggest financial envelope.



In addition, EOMs were organised under Objective 5 of the EIDHR. These have developed into a pivotal means of fostering democratic processes in other countries. Over the period 2007-2010, 37 EOMs were organised. In 2010 alone, seven EOMs were organised (Côte d'Ivoire, Tanzania, Guinea, Burundi, Ethiopia, Sudan, Togo) as well as one Election Expert Mission in Nicaragua, and two Election Assessment Team missions to Afghanistan and Iraq.

### 2.7.3 Case Studies

#### Helping locals in Haiti

In 2010, the EIDHR funded a major programme in Haiti to train local election supervisors and observers in preparation for the presidential and parliamentary elections, postponed because of the massive earthquake which hit the country in January. Past elections in Haiti have been marred by violence, manipulation and intimidation, and the EU believes that political stability and the transition to democracy are prerequisites for Haiti's reconstruction and economic recovery. The project began with the training of 130 senior electoral supervisors to take charge at departmental and communal level. A further 3 000 young people from civil society organisations were trained in readiness to observe the voting on election day across the country. The first round of voting took place on 28 November.

#### Children at risk all over

Children's rights and the post-conflict rehabilitation of child soldiers are the object of many EIDHR projects in all regions.

Pará state has one of the highest rates of violation of children's rights in **Brazil's** Amazon region. Children who end up in care or in state institutions are often abused, with torture and other forms of violence and deprivation being commonplace. The EIDHR is funding a three-year project to train 800 children and 600 families to defend their rights and denounce violations. The project also targets 1 200 professionals whose job it is to protect the rights of children in care and in justice institutions.

In the mid-western region of **Nepal**, an EIDHR project is helping to reintegrate 4 000 former child soldiers and other youngsters – boys and girls – affected by the country's 10-year war. They are taught to read and write and learn other life skills. They also receive psycho-social counselling aimed at reducing crime, drug abuse, depression and suicide.

Twin sisters Naomi and Fuhara from the east of the **Democratic Republic of Congo** were kidnapped aged 15 and spent three years as child soldiers. Afterwards, they were able to join 800 girls and young women as part of an EIDHR project to help the recovery and rehabilitation of girls affected by the armed conflict in the DRC. For many of them, the alternative to the project was living rough or being forced into prostitution to support themselves. Besides reading and writing, the project gave them job training as dressmakers, cooks or hairdressers.

### **Integration for Roma in Ukraine and Republic of Moldova**

The EIDHR is supporting a Council of Europe project to help the governments of Ukraine and Republic of Moldova to integrate Roma minorities and raise the level of inter-cultural and inter-ethnic understanding. There are anything between 270 000 and 650 000 Roma in both countries, although official figures are lower.

In Ukraine, the 15-month project created a pool of Roma health mediators. 20 Roma women from different regions of Ukraine were trained by experienced Roma health mediators from Romania. In Republic of Moldova, the project built up the concept of Roma school assistants, with programmes attended by Moldovan teachers, academics and government representatives.

#### **2.7.4 Lessons learnt**

Regular evaluations are carried out on EIDHR<sup>6</sup>, which demonstrate its relevance. Some recommendations recur with regularity, such as:

- The need to have country-specific as well as thematic strategies for EU interventions.
- The importance of combining different working strategies and methods, local with global, advocacy with training, political démarche with a human rights project, politicians with journalists etc, in order to increase the impact of EIDHR funds within a specific field.
- The need for more coherence between stated policies and action on the ground.
- The need to address weaknesses in project design and monitoring of the projects.

In 2010, an evaluation of support to Human Rights Defenders was carried out, covering 11 projects for €8 million. The evaluation found that EIDHR-funded projects had shown their relevance, effectiveness and impact in several countries. It commended the financing of direct support for protection/emergency action, to cover medical and legal fees, to purchase cell-phones/IT material for HRDs offices, to temporarily support the work of an organisation, to help leave a country, as well as other activities such as judicial accompaniment, investigative missions, trainings, campaigning, etc. Recommendations related to the management of the instrument were worked into the call for proposals launched in 2010.

<sup>6</sup> [http://ec.europa.eu/europeaid/what/human-rights/studies\\_evaluations\\_en.htm](http://ec.europa.eu/europeaid/what/human-rights/studies_evaluations_en.htm)

More evaluations are to become available in 2011, eg on the EIDHR Country Based Support Scheme, the projects in countries where human rights are the most at risk and on the European & Regional Masters in human rights.

Most importantly, a global evaluation on EU support to Human Rights and Democracy (2000-2009) will be concluded in the second half of 2011 and will cover all activities in these fields. The amount of the projects evaluated is €5.4 billion and includes EIDHR and other thematic and geographical budget lines, as well as financing through international organisations with an eye on budget support and mainstreaming. Preliminary findings show that the EIDHR finances only 17 % of all projects related Human Rights and Democracy.

### **3 Thematic Issues**

The EU has continued developing its conceptual work on human rights on a broad range of issues. The EU's approach aims at setting positive terms of debate. The EU seeks to set standards according to the highest common factor, rather than the lowest common denominator, and then strive to meet them.

In its thematic human rights work, the EU draws from a wide-range of tools. On certain thematic issues, which have been identified as particular priorities for the Union, the EU benefits from a specific set of practical tools to help EU representations in the field better advance its human rights policy: the EU human rights guidelines. These cover the following subjects:

- Death penalty;
- Torture and other cruel, inhuman or degrading treatment or punishment;
- Human rights dialogues;
- Children and armed conflict;
- Human rights defenders;
- Promotion and protection of the rights of the child;
- Violence against women and girls and combating all forms of discrimination against them;
- Promoting compliance with International Humanitarian Law (IHL).

### ***3.1 The death penalty***

The EU holds a strong and principled position against the death penalty and is a key actor in the fight against the death penalty worldwide. The EU considers that abolition of capital punishment contributes to the enhancement of human dignity and the progressive development of human rights. It considers capital punishment to be cruel and inhuman, failing to provide deterrence to criminal behaviour. Any miscarriage of justice – which is inevitable in any legal system – is irreversible.



As its action in this area represents a key priority of its external human rights policy, the EU has continued to use all its available tools of diplomacy and cooperation to work towards the abolition of the death penalty<sup>7</sup>. Where the death penalty still exists, the EU calls for its use to be progressively restricted and insists that it be carried out according to international minimum standards. The EU guidelines on the death penalty<sup>8</sup>, which were revised in 2008, remain the essential instrument for systematic action towards non-EU countries.

In 2010, the EU welcomed the announcement of a moratorium on the use of the death penalty in Mongolia on 14 January 2010. It congratulated the Kyrgyz Republic for acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty on 11 February, thus making its step towards abolition irreversible.

Conversely, the EU deplored the continuing extensive use of the death penalty in some other countries. Iran and the U.S. were a particular focus of attention, but statements and démarches were carried out in many other countries, based on the minimum standards defined by international law and the EU Guidelines on the Death Penalty.

The EU continued to raise this issue in all relevant forums, in particular at the UN, OSCE and the Council of Europe. The EU actively participated in the cross-regional alliance promoting UN General Assembly Resolution 65/206 (21 December 2010) reaffirming the call for a moratorium on the use of the death penalty. The resolution was adopted with 109 votes in favour, 41 against and 35 abstentions and followed on from similar resolutions in 2007 and 2008. This result was the best ever in terms of votes: in addition to a small increase in support, the clear decrease of opposition was significant and confirmed the progressive consolidation of global opinion against the death penalty.

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<sup>7</sup> More information on the EU policy on death penalty:  
[http://eeas.europa.eu/human\\_rights/adp/index\\_en.htm](http://eeas.europa.eu/human_rights/adp/index_en.htm)

<sup>8</sup> <http://www.consilium.europa.eu/uedocs/cmsUpload/10015.en08.pdf>

To mark the European Day against the Death Penalty and the World Day against the Death Penalty on 10 October, the EU and the Council of Europe issued a joint statement reaffirming their opposition to the use of capital punishment in all circumstances, and their commitment to the abolition of the death penalty worldwide. The High Representative issued a press release saying that *“it is encouraging that the large majority of states have abolished the death penalty in law or practice. However, there is no room for complacency - every execution is one too many. This is why I have made our work on the abolition of the death penalty a personal priority.”* EU Delegations around the world commemorated the occasion in numerous seminars, press conferences, exhibitions and events.

The EU continues to be the lead donor to the efforts of civil society organisations around the world towards abolition of the death penalty. The abolition of the death penalty is one of the thematic priorities under the European Instrument for Democracy and Human Rights (EIDHR).

Building on a solid record in previous years, the EIDHR allocated in 2010 over €8.5 million to 16 abolitionist projects around the world. The projects monitor conditions under which the death penalty is used and the application of international minimum standards. They do this by supporting legal and constitutional reform to restrict the application of capital punishment or abolish the death penalty, providing assistance for prisoners on death row and training for judges and lawyers. At the international level, some of the actions promote the signature, ratification and implementation of the Second Optional Protocol to the International Covenant on Civil and Political Rights (or similar regional instruments) and the application of the UN resolution on a global moratorium on the use of the death penalty. In addition, they provide training, research, studies and reports on several death penalty related issues, advocacy to the public, organise awareness-raising campaigns, build capacity as well as develop scientific approaches to expose miscarriage of justice and flaws of the concerned judiciary systems.

### ***3.2 Torture and other cruel, inhuman and degrading treatment or punishment***

In line with the EU Guidelines on Torture (adopted in 2001 and updated in 2008), the EU has sustained its leadership role and its global action to combat torture and other forms of cruel, inhuman or degrading treatment or punishment with initiatives in international forums, bilateral démarches to non-EU countries, improved local implementation of the Guidelines and substantial support for projects by civil society organisations in the field.

During the 65th session of the UN General Assembly (UNGA), the EU Member States co-sponsored a resolution on 'torture and other cruel, inhuman and degrading treatment or punishment' presented by Denmark, which was adopted by consensus as well as a separate resolution on more meeting time for the UN Committee against Torture. In statements at the UNGA session, the EU reiterated the absolute prohibition on torture and other forms of ill-treatment in international law. The EU Member States also co-sponsored a resolution on torture and ill-treatment, presented by Denmark, at the UN Human Rights Council in March 2010. The resolution focused on the role of the legal profession in relation to torture.

In its annual declaration on the occasion of the International Day in Support of Victims of Torture on 26 June 2010, the EU underlined the priority it attaches to the global eradication of torture and to the full rehabilitation of torture victims, and reiterated that States must take persistent, determined and effective measures to prevent and combat all acts of torture and other cruel, inhuman or degrading treatment or punishment. The EU stressed the prominent importance it attaches to the role of the UN in fighting torture and supporting victims and underlined its support for the UN Special Rapporteur on Torture, the UN Voluntary Fund for the Victims of Torture, the OHCHR, UNCAT and other mechanisms making valuable contributions in this field, such as CPT of the Council of Europe. The declaration was issued jointly with the African Union.

In line with the EU Guidelines on Torture, the EU actively continued to raise its concerns on torture with non-EU countries through political dialogue and démarches. Such contacts – confidential or public, depending on the respective case – address both torture issues and individual cases relevant to specific countries as well as wider issues. During 2010 the EU continued to take up individual cases in a number of countries. The EU has consistently raised the situation of torture and ill-treatment in its regular human rights dialogues with non-EU countries. The issue of torture and ill-treatment was also addressed in the course of a number of civil society seminars, which were held to complement these human rights dialogues and during several ENP subcommittees on human rights. The EU continued its system of regular confidential reporting on human rights, including on torture, by its Heads of Mission in non-EU countries. The EU made a number of statements related to torture, including within multilateral forums such as the UN and the OSCE and considered ways and means to better coordinate with UNCAT and SPT.

The EU undertook a pilot programme to monitor the local implementation of the Guidelines by EU delegations and Member State representations in eight states (Bangladesh, Egypt, Iraq, Kazakhstan, Mexico, Republic of Moldova, Philippines and Uzbekistan). A number of useful conclusions on best practices for future action were drawn.

EU Member States are under close international scrutiny as regards their compliance with international and regional instruments in the field of torture and cruel, inhuman or degrading treatment or punishment. The EU Member States have jointly extended a standing invitation to all UN Special Procedures on human Rights, including the Special Rapporteur on Torture. During 2010 the SRT did not visit any EU Member State.

The EU's emphasis on actively combating torture and ill treatment is reflected in its substantial funding of actions by civil society organisations working towards the eradication of the practice and to end its impunity worldwide.

In 2010 the EIDHR supported around 30 new civil society actions in the field of torture prevention and rehabilitation of torture victims. The themes selected for support are designed to reinforce EU policy, particularly the implementation of the EU Guidelines on Torture. Projects aims include increasing awareness of the Optional Protocol to the Convention against Torture (OPCAT) in nine countries of the CIS; developing practical tools to facilitate the implementation of relevant human rights standards within the African human rights system. The EIDHR also contributed to enhancing understanding and awareness of the particular ways in which torture and ill-treatment affect persons with disabilities. Projects on this subject are ongoing, for example, in Sri Lanka and Nigeria. The EIDHR also funded activities improving the quality of life of victims of torture and other forms of cruel and degrading treatment and the defence of their rights to appropriate reparation in Republic of Moldova, advocacy work towards the set up of National Prevention Mechanisms in Argentina and litigation work on torture cases and the fight against impunity worldwide.

The EIDHR is also supporting the follow up of the work of Mr Manfred Nowak, former UN Special Rapporteur on Torture in several targeted countries, by funding a three year project which aims at facilitating the implementation of his recommendations.

### ***3.3 Human rights defenders (HRDs)***

The EU perceives the support to human rights defenders as a crucial element of its policy of protecting and promoting of human rights around the world. In order to enhance its actions in this field, in 2004 the Council adopted the EU Guidelines on Human Rights Defenders, which identify practical ways to support and assist human right defenders working in non-EU countries.

2010 was marked by several negative trends affecting the work of human rights defenders: harassment by authorities, smear campaigns, arbitrary arrests, adoption of laws impeding the work of civil society organisations and the use of new technologies to crack down on legitimate activities. As a reaction to these worrying practices, in 2010 the EU reaffirmed its staunch support to the work of human rights defenders. In parallel, the situation of human rights defenders has been constantly raised in bilateral contacts with partner countries, be it in the framework of human rights dialogues or through diplomatic démarches. The EU has long given strong public support to the Special Procedures of the UN Human Rights Council, especially the UN Special Rapporteur on Human Rights Defenders and appropriate regional mechanisms to protect human rights defenders. The EU also participates in coordination meetings with other international organisations and mandate holders working on the issue of human rights defenders to strengthen international action for their work.

According to a minor revision of the EU Guidelines made in December 2008, EU missions are expected to draw up local strategies involving human rights defenders. Once a year, a meeting of human rights defenders and diplomats should be organised, coordination and information sharing should be enhanced, and a liaison officer for defenders should be appointed where necessary. These measures were intensified from February 2010, when EU missions around the world were mandated to draft or update local strategies on human rights defenders in close cooperation with local human rights activists. As a result, by the end of 2010 74 meetings with human rights

defenders had been held, 70 local strategies on human rights defenders adopted and 84 EU Liaison Officers appointed. The local strategies contain a number of interesting proposals aimed at improving the concrete outcomes of the guidelines and achieving better results. The local strategies have shown that there are several possibilities to enhance support for human rights defenders in practical terms and human rights defenders are being increasingly recognised as key interlocutors of EU diplomats in their work on human rights issues. However, efforts have still to be made to overcome political or logistic constraints which sometimes prevent the implementation of the Guidelines to their fullest potential.

Following initial discussions in 2009, work on the European Shelter Cities Initiative was resumed in late 2010. The objective of this is to create a network of European municipalities that could provide temporary shelter to facilitate the temporary relocation of HRDs in danger, in a safe place in the EU, when no other option is available in that regard in their country of origin or in the region around that country. In parallel, efforts have been made to facilitate the issuance of emergency visas to endangered human rights defenders in need of temporary relocation; although the translation of this provision of the Guidelines still needs further discussions between Member States and increased awareness of the needs of human rights defenders among EU consular staff.

The EU's political commitment to support human rights defenders goes in parallel with dedicated financial assistance to a number of organisations that protect or support the work of Human Rights Defenders, channelled in particular through the EIDHR. During 2010 a new call for proposals supporting HRDs was launched, in addition to the projects currently implemented, worth over €10 million. The 11 projects selected during the first call are being implemented by both thematic as well as regional NGOs. Some of them foresee rapid reaction mechanisms to grant assistance to human rights defenders in need of urgent protection, while others provide medium-term support to human rights defenders. Activities include organisation of training on legal and security issues, urgent interventions and field missions in order to break the isolation of defenders harassed and to support their capacities to act; a hotline to support human rights defenders at immediate risk; direct support to human rights defenders in need (provision of bullet-proof jackets and helmets, relocation in other countries, legal advice, medical support, etc).

### **3.4 Freedom of thought, conscience and religion or belief**

The EU has a strong commitment to the promotion and protection of freedom of thought, conscience and religion or belief, which equally applies to all persons. This freedom protects the right to have theistic, non-theistic and atheistic beliefs, as well as the right to not profess any religion. The freedom also covers the right to adopt, change or abandon one's religion or belief of one's own free will.

Alarmed by reports of increasing acts of extreme violence against persons belonging to religious minorities, the General Affairs Council of November 2009 expressed its concern about the vulnerable situation faced by them in many parts of the world. The Council underlined the strategic importance of freedom of religion or belief and of countering religious intolerance, and reaffirmed its intention to continue to give priority to the issues as part of the EU's human rights policy.

Building on an evaluation of existing initiatives over the past years, the EU has continued to develop its human rights based approach and to take further practical measures to fight religious intolerance and to promote freedom of religion or belief worldwide. The EU's actions have been underpinned by the notion that all forms of intolerance against persons because of their religion or belief are unacceptable and must be condemned.

Discrimination based on religion or belief still exists in all regions of the world, and persons belonging to particular religious communities continue to be denied their human rights in many countries. Moreover, legislation on defamation of religions has often been used to mistreat religious minorities and to limit freedom of opinion and expression and freedom of religion or belief, which are intrinsically linked. Freedom of expression also plays an important role in the fight against intolerance.



In 2010, the EU has deployed existing tools at bilateral and multilateral levels to more effectively promote and protect freedom of religion or belief. An ad hoc COHOM Task Force on freedom of religion or belief has supported the implementation of the EU's enhanced actions and helped to develop guidance for the use of the EU diplomats. The topic has been included in the human rights training provided to the EU staff, including by a specific course on freedom of expression and freedom of religion or belief held in December 2010.

In relations with non-EU countries, freedom of thought, conscience and religion has been systematically raised with a high number of interlocutors at different levels of political dialogue, including in human rights dialogues and consultations, such as with Eritrea, India, Kazakhstan, Morocco, Russia, the U.S. as well as the African Union. The EU has engaged bilaterally with various countries on the importance of this universal human right, and explored possibilities of further cooperation, including at the multilateral forums. Under these dialogues the EU has voiced its concerns regarding the implementation of this right and the situation of religious minorities. Whenever prompted by serious violations and concerns regarding religious freedom and related intolerance and discrimination, the EU has expressed its views via diplomatic channels, public statements and Council Conclusions, as for instance in the cases of Egypt, Iran, Iraq and Pakistan. It has continued to advocate full respect for the freedom of thought and conscience, in line with international standards.

EU Delegations and Member States' diplomatic missions have closely monitored the local situation regarding freedom of religion or belief. They have maintained regular contacts with human rights defenders, their organisations and other relevant actors in this field. Under the EIDHR, human rights projects with a wider scope on promotion of human rights, antidiscrimination, rights of persons belonging to minorities and indigenous peoples, tolerance and intercultural understanding, as well as tackling root causes of conflict and fight against impunity have also contributed to the respect of freedom of religion or belief. For instance, in the Former Yugoslav Republic of Macedonia, an EIDHR project has supported inter-religious dialogue through capacity building for media and religious representatives. In Indonesia, the EU has financed several small-scale projects promoting tolerance and respect for freedom of religion or belief.

The EU has actively engaged with partners based on cross-regional outreach to take action in various UN forums against intolerance and discrimination based on religion or belief. Under the March Human Rights Council session, the EU voted against the resolution on “Combating defamation of religions” (A/HRC/RES/13/16). The EU played an active role to initiate and ensure the adoption by consensus of a resolution on “Freedom of religion or belief: mandate of the Special Rapporteur on freedom of religion or belief” (A/HRC/RES/14/11) in June.

Building on the successful adoption of its resolution in the previous years, the EU introduced to the 65th UNGA session its customary resolution on the “Elimination of all forms of intolerance based on religion or belief” (A/RES/65/211), which was adopted without a vote. This traditional EU resolution expressed concern at continuing acts of intolerance and violence based on religion or belief. The resolution condemned all such acts, while stressing the right to freedom of thought, conscience and religion or belief and urging all states to step up their efforts to protect and promote these rights through a variety of measures. The resolution further called upon governments to fully cooperate with the UN Special Rapporteur on Freedom of Religion or Belief, and requested the Secretary-General to submit an interim report at UNGA 66. Again, the resolution’s focus was strictly on individuals, rather than on groups or religions as a whole.

After engaging with the OIC on the UNGA Resolution on combating defamation of religions (A/RES/65/224), the EU had to again call for a vote, since overall changes made to the text did not sufficiently alter the substance of the resolution. Consequently, the EU voted against the resolution which gained a further decreased support. The EU firmly believes that the concept of ‘defamation’ or ‘vilification of religions’ is inconsistent with international human rights law, which protects individuals in the exercise of their freedoms, and does not and should not protect religions or belief systems. The changes made in the resolution text were not sufficient to dispel the EU’s concerns regarding the intended establishment of a human rights concept seeking to protect religions instead of individuals.

The EU has also been engaged in various initiatives promoting religious tolerance and intercultural understanding. For instance, the ASEM process (Asia-Europe Meeting) is committed to promoting dialogue and building harmony among different religions and faiths. The 6th ASEM Interfaith Dialogue held on 7-9 April 2010 in Spain aimed at reducing the tensions and misunderstandings exacerbated by the international economic and financial crisis. Since 2005, these dialogue meetings have explored diverse religions, faiths and societies in an attempt to reconcile differences and bring about a general consensus of cross-cultural respect and understanding. Another example is the Regional Strategy adopted at the first UN Alliance of Civilisations Ministerial Meeting for the Mediterranean Region, held in Malta on 8-9 November 2010, which prioritises inter-religious understanding, respect for diversity through inclusion and contributes to good governance with a view to protecting religious freedom.

In late 2010 and early 2011, the EU was alerted by an increasing number of acts of religious intolerance and discrimination, as epitomised by violence and acts of terrorism, in various countries, against Christians and their places of worship, Muslim pilgrims and other religious communities. The Council welcomed the ongoing efforts to enhance EU action to promote and protect freedom of religion or belief following the 2009 Council conclusions. It invited the High Representative to report on the measures taken and on concrete proposals to further strengthen EU action.

### ***3.5 Freedom of expression including 'new media'***

The EU seeks to promote freedom of expression throughout the world. Freedom of opinion and expression is not only a fundamental right of every human being but also a cornerstone of democracy. It is also crucial for the free flow of information to which everyone is entitled. The right to freedom of expression includes the right to seek, receive and impart information and ideas through any medium. Freedom of opinion and expression extends to the internet. New technologies provide individuals with unprecedented access to information.

During 2010 the EU has reiterated its position in its declaration on World Press Freedom Day. It repeatedly raised its concerns over undue restrictions to freedom of expression and media plurality during the political dialogues it had with non-EU countries. It also publicly condemned limitations on access to information. For example, the Council conclusions of 3 March 2010 expressed grave concern over measures taken by the Iranian authorities to prevent their compatriots from freely communicating and receiving information through TV, radio satellite broadcasting and the internet. It underlined that restrictions and limitations on the use of new technologies have emerged as a key challenge to the respect for human rights in many parts of the world, undermining the potential the technologies have in promoting freedom of expression.

The EU equally condemned harassment, intimidation and attacks against journalists wherever they occur. In some cases, the EU raised its concerns in public statements. This was for example the case in the High Representative's statement on 12 February 2010, following Liu Xiaobo's sentence of 11 years on the charge of "inciting subversion of state power" - for his role as author of Charter 08 and for publishing articles concerning human rights on the Internet. In her statement the High Representative underlined that this sentence was entirely incompatible with the right to freedom of expression. On 11 June 2010, the EU issued a similar statement following the sentencing of Tan Zuoren to five years prison, on the charge of "subversion of state power", by the Sichuan Provincial High People's Court.

On 16 November 2010, the High Representative issued a statement in the name of the EU condemning the brutal attack on Russian journalist Oleg Kashin of Kommersant on 6 November 2010 and on the activist for the preservation of the Khimki forest Konstantin Fetisov on 4 November 2010. In this statement, the EU urged the Russian authorities to thoroughly and effectively investigate these as well as other cases of aggression against journalists and human rights defenders, to do everything in their power to ensure their protection, and to bring those responsible to justice. It also welcomed the announcement of the head of the investigative committee to reopen unaccounted cases of attacks like the one on the journalist Mikhail Beketov of Chimkinskaya Pravda from November 2008.

The EU provided financial support under the European Instrument for Democracy and Human Rights for a large number of projects with civil society organisations aimed at increasing the professional capacities of journalists, providing urgent protection needs and promoting freedom of expression in law and in practice. It also used public diplomacy to promote freedom of expression and the plurality of the media, as was the case in the EU-Morocco civil society seminar on media freedom, organised in Rabat in September 2010. The seminar, funded by the European Instrument for Democracy and Human Rights, was structured around four workshops: code of the press, professional ethics, justice and the press, and access to information. The objective of the seminar was to provide participants with insight into the European standards and practices in terms of press freedom, and feed the dialogue on human rights between the EU and Morocco. It complemented the national dialogue "Media and Society" that took place in Morocco in 2010. The recommendations from the seminar were presented at the EU-Morocco Subcommittee on human rights that took place in Rabat on 11 October 2010.

### ***3.6 Rights of the child***

The principal objective of the EU's external human rights policy in the field of the rights of the child is to observe as a matter of priority the promotion and protection of all rights of the child in the EU's external relations based on sustained and systematic action.

The EU has developed numerous policy instruments for the promotion and protection of the rights of the child in its external relations. In October 2010, the annual European Forum on the Rights of the Child was dedicated to a consolidation of the positions of all relevant stakeholders, including civil society on what an EU multi-annual plan of action on the rights of the child should contain.

The EU Guidelines on the Rights of the Child<sup>9</sup> (2007) promote the rights of the child worldwide through the implementation of the UN Convention on the Rights of the Child and its Optional Protocols, and by ensuring that the rights of the child are taken into account in all EU policies and actions. Combating violence against children was chosen in 2007 and 2009 as the focus area for the implementation of the guidelines. Ten pilot countries were selected in close cooperation with UNICEF and civil society: Armenia, Barbados, Brazil, Ghana, India, Iran, Jordan, Kenya, Morocco, Russia. Following their launch in 2009, the country implementation strategies were the subject of a stocktaking in 2010, which was shared with civil society and other stakeholders to facilitate further implementation.

The EU significantly stepped-up its action against child labour in 2010. Following the Commission Staff Working Document on Combating Child Labour (2010), the Council adopted in June 2010 ambitious Conclusions on Child Labour. The Conclusions announced a number of specific initiatives such as a new call for proposals under the Investment in People instrument worth of €11 million and dedicated to combating child labour, the inclusion of rights of the child concerns in the revised GSP regulation, in the Commission Communication on Corporate Social Responsibility or in the Commission guidelines on socially responsible procurement, etc. The Commission is also to bring forward a new study on the worst forms of child labour and trade by the end of 2011.

The EU has a number of instruments to pursue its policy on the rights of the child. Political dialogue provides an opportunity to promote the ratification and effective implementation of the relevant international instruments on the rights of the child. In 2010, the rights of the child were regularly included on the agenda of political dialogues and human rights dialogues with non-EU countries.

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<sup>9</sup> <http://www.consilium.europa.eu/uedocs/cmsUpload/16031.07.pdf>

Bilateral and multilateral cooperation must also take the rights of the child fully into account. The EU has been actively involved in the promotion of the rights of the child at various UN forums. In March 2010, together with GRULAC, the EU tabled a thematic resolution on child participation at the 16th session of the Human Rights Council and omnibus resolutions at the 65th sessions of the UNGA. Not only did the resolution remain consensual, but several new countries co-sponsored the resolution (U.S., India, Qatar, Israel).

The EU enlargement process is also a powerful tool providing opportunities to promote the rights of the child and foster reform of child protection in the candidate countries and potential candidates. In November 2010, a TAIEX regional workshop on children in the risk of poverty and social inclusion was organised in Zagreb, Croatia.

Development cooperation is yet another powerful instrument used for the promotion and protection of the rights of the child. Several projects have been selected under the 2010 EIDHR call for proposals as well as in the framework of the thematic programme 'Investing in People'. Additional projects have been supported by the EU through various geographical allocations.

Because children are particularly exposed and vulnerable in times of crisis, the EU also ensures that children's specific needs are fully taken into account in the context of humanitarian aid, and in particular the needs of children who are separated or unaccompanied, victims of recruitment by armed forces or groups, of sexual violence or exposed to HIV.

### **3.7 Children and armed conflict**

The EU accords a high priority to helping children associated with armed conflicts. The EU Guidelines on Children Affected by Armed Conflicts (adopted in 2003 and revised in 2008) commit the EU to address the impact of armed conflicts on children in a comprehensive manner. This is done through monitoring and reporting by EU Heads of Mission, military commanders and special representatives; diplomatic initiatives; political dialogue; multilateral cooperation; and crisis management. The EU focuses the implementation of the Guidelines on 19 priority countries or territories: Afghanistan, Burundi, Chad, Colombia, DRC, Cote d'Ivoire, Haiti, Iraq, Israel, Lebanon, Liberia, Burma/Myanmar, Nepal, Occupied Palestinian Territories, Philippines, Somalia, Sri Lanka, Sudan, Uganda.

The list of EU priority countries is in accordance with the priority list of the UN Special Representative for Children Affected by Armed Conflicts. Throughout 2010, the EU in cooperation with civil society and international organisations, reviewed the implementation of the EU Guidelines. The October 2010 expert meeting, with the participation of UN Special Representative on Children and Armed Conflict R. Coomaraswamy, greatly contributed to this evaluation. The Council of the EU adopted a revised implementation strategy in December 2010. It contains 39 specific actions which strengthen implementation of the EU Guidelines. The projects to support implementation of the guidelines selected under the thematic programme 'Investing in People' in 2009 are still being implemented. In addition, in 2010 an EIDHR call for proposals was launched with a special focus on the 19 priority countries. Four projects were selected to support protection of children in armed conflicts.

As in previous years, the EU has sought to cooperate more closely with the UN, in particular the Special Representative of the UN Secretary General for children and armed conflict, who in 2010 met with the EU Political and Security Committee, as well as the UN Security Council working group on children and armed conflict; and the 1612 monitoring and reporting mechanism.



### **3.8 Human rights of women**

During 2010 the EU pursued the implementation of its guidelines from December 2008 on violence against women and girls and combating all forms of discrimination against them. The implementation of these guidelines, which clearly set the fight against violence and discrimination against women as a key objective of the EU's external human rights policy, involves an important role for EU Delegations and the Embassies of EU Member States in non-EU countries. By the end of 2010 more than 130 EU Delegations around the world had reported on the guidelines, the majority also identifying concrete actions to be implemented in their host countries.

Some examples of these actions included:

- Supporting the revision of the national public policy on gender equality in Guatemala (see also the case study below);
- Development of a common conceptual framework among government institutions and civil society on gender-based violence including monitoring indicators in Nicaragua;
- Assistance to non-governmental organisations providing better access to services and support for victims of violence in Benin;
- And supporting the elaboration of a national policy on the fight against violence against women in Morocco.

In December 2010 the EU decided to reinforce its action under the above guidelines by implementing a series of regional, thematic campaigns. These campaigns, which will focus on the topics of sexual violence against women in conflict, forced and early marriage, Female Genital Mutilation and Women's participation in democratic processes, will be implemented in the autumn 2011 and spring 2012. In addition, the EU decided to step up its action with regard to reacting to individual cases of violence against women where violations are particularly grave, systematic or at risk of going unpunished. An example of EU action on individual cases was the EU Heads of Mission's declaration, in December 2010, on the assassination of Ms Marisela Escobedo Ortíz, woman activist in Chihuahua, Mexico.

In 2010 the High Representative continued to strongly advocate stepping up the fight against violence against women. In particular, she issued a joint statement with Commissioner for Development concerning sexual violence and rape in the Democratic Republic of Congo. She also made a strong statement about femicide, in which she expressed her concern about the raise of gender based violence in some areas of Latin America; she emphasised the EU's deep concern at the increasing number of killings targeting women and girls in Latin America and stated the EU's satisfaction with the work carried out by the Inter-American Court of Human Rights' in this issue. On the International Day for the Elimination of Violence against Women, 25 November 2010, the High Representative recalled the need to bring perpetrators of violence to justice and urged all countries to step up their fight against impunity and to protect and reintegrate victims of violence.

During 2010 the EU continued to actively promote the human rights of women through its human rights dialogues and consultations with partner countries. For example, the EU raised the human rights of women with the African Union, the EU Candidate Countries, Canada, China, Indonesia, Japan, Moldova, New Zealand, South Africa, Turkmenistan and Uzbekistan.

The EU continued to actively work for the promotion of gender equality and the advancement of women at the United Nations, where 2010 was a particularly important year as it marked the 30th anniversary of the Convention on the Elimination of Discrimination Against Women (CEDAW), the 15th anniversary of the Beijing Declaration and Platform for Action and the 10th anniversary of the Millennium Declaration and of UN Security Council Resolution 1325 on Women, Peace and Security. In line with the EU's longstanding support to the reform and strengthening of the multilateral 'gender architecture', it welcomed the General Assembly's decision to create UN Women, expressing the EU's expectation that the new body should play a leading role in closing the gap between the normative and operational work of the UN in the area of gender equality and the empowerment of women, should foster effective system-wide mainstreaming and strengthen the accountability of the UN system in its work in these areas. The EU welcomed the appointment of Michelle Bachelet, former President of Chile, as Executive Director of UN women and will work closely with her as she takes forward UN Women's work in promoting equality and the empowerment of women.

The EU actively participated in the 2010 Commission on the Status of Women (CSW), which reviewed the implementation of the Beijing Declaration and Platform for Action (BPfA) and the outcome of the 23rd Special Session of the General Assembly. Furthermore, the EU warmly welcomed the establishment of a new mandate, a Working Group of the Human Rights Council, to deal specifically with the issue of discrimination against women in law and practice which will assist member states in the implementation of their commitments in this area.

In March 2010 the European Commission reaffirmed its fundamental commitment to gender equality in the Women's Charter. The five areas of the Charter (equal economic independence, equal pay for equal work and work of equal value; equality in decision-making, dignity, integrity and an end to gender-based violence; and the promotion of gender equality beyond Europe) were translated into a new strategy for equality between women and men that was adopted on 21 September. The promotion of gender equality in external actions is one of the strategic priorities of this strategy.

In June 2010, the EU adopted a Plan of Action on Gender Equality and Women's Empowerment in Development for the period 2010-2015, as part of its strategy to achieve the MDGs. The objective of the Action Plan is to accelerate the achievement of the MDGs, especially MDG 3 and MDG 5, as well as to attain the goals set out by CEDAW, the Beijing Platform of Action, and the Cairo Program of Action. In the Action Plan the EU commits to systematically including gender equality in its political and policy dialogues. Furthermore, its implementation will involve civil society, particularly women's organisations, in partner countries and in the EU. The Action Plan also commits to increasing technical capacity for gender mainstreaming. It aims at making sure that gender equality is part of the annual and multi-annual planning process and that internationally accepted standards are systematically applied in order to track the aid that is devoted to this end.

#### **CASE STUDY:**

**The European Instrument for Democracy and Human Rights (EIDHR)** contributes to the empowerment and protection of women and girls by actively supporting women human rights activists and gender equality advocates and their networks to effectively engage in decision making processes, voice their rights towards their fulfilment in all spheres, promote empowerment against all forms of discrimination and ensure protection and redress for all forms of gender based violence and prosecution of the perpetrators of such violence.

In doing so, the EIDHR contributes to the implementation of the EU Guidelines on Violence against Women and all forms of discrimination against them which constitute the framework of action of the EIDHR support and mark the EU's clear political will to treat the human rights of women as a priority and to take long-term action in this field.

Between 2007 and 2010 around 20 % of EIDHR projects promoted and protected women and girls' rights across the world either as a specific or as a secondary priority (in total around 240 projects, circa €40 million).

#### **Examples:**

- Participation of women in the electoral process in Ghana (4 EIDHR projects targeting women's participation and leadership in different regions in Ghana, total contribution: €1 160 000);

- Empowering local community women leaders to become better decision makers and negotiators in Guatemala (Generando Gobernabilidad – Derechos Humanos mujeres y jóvenes, by Fundacion Mundubat, EU contribution: €419 500);
- Enhancing political representation and participation of indigenous marginalised rural women in the election processes in South Kordofan State, Sudan (Towards active participation in the election process, by Sudanese Development Call Organisation Association, EU contribution: €60 000, focusing on women among the Nuba population);
- Protecting women against domestic violence through trainings, law reforms, assistance and dialogue in Mexico (Living without violence in the State of Mexico: eradicating domestic violence against women and children, by Mexico Unido Pro derechos Humanos, EU contribution: €81 080);
- Promoting the work of women human rights defenders in Nepal through capacity building and training on security and protection of human rights defenders (Promoting Rights of Human Rights Defenders in Nepal, by Protection Desk Nepal, EU contribution: €240 220).

### **3.9 Women, peace and security**

Since 2008 the EU has implemented a specific policy on women, peace and security, the ‘Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on Women, Peace and Security’ (Comprehensive Approach) as well as a revised operational document on the implementation of these resolutions specifically within the Common Security and Defence Policy (CSDP).

The Comprehensive Approach broke new ground by cutting across the previous pillar structure and linking the CSDP firmly to other foreign policy tools such as development cooperation, political dialogue or EU action within the UN. It aims to ‘ensure full coherence between and within EC and CFSP/ESDP instruments and proper continuity in its crisis management initiatives and further reconstruction and development work.’ Owing to its cross-pillar perspective, the Comprehensive Approach remains a highly valid document in today’s post-Lisbon context.

In order to operationalise policy commitments, the Comprehensive Approach set up an inter-institutional, informal ‘Women, Peace and Security Task Force’ to oversee implementation. This task force met four times in 2010, principally focusing on the development of indicators to follow up the implementation of EU commitments with regard to women, peace and security. These indicators were adopted by the EU Council on 27 July 2010 and will allow implementation to be tracked across the EU Member States and institutions as well as CSDP missions.

The EU included specific attention to women, peace and security in its political and human rights dialogues and consultations with countries such as Canada, Ethiopia, the US, Nepal, Pakistan, Papua New Guinea, South Africa, Somalia, Sudan and Uganda. In October 2010 women, peace and security was also discussed at the EU-AU Civil Society seminar, held in Addis Ababa before the human rights dialogue. The seminar provided suggestions for concrete outcomes, several of which were adopted at the dialogue. The EU and the AU agreed that in 2011 a stock-taking workshop should be organised on the implementation of UNSCR 1325 in Europe and in Africa. Also, the EU

and the AU decided to explore cooperation in the field of human rights and gender training for AU peacekeeping missions and the African Stand-by Force (ASF). In their joint statement after the dialogue the AU and the EU jointly reaffirmed their commitment to the full implementation of UNSCR 1325.

During the 10th anniversary year of UNSCR 1325 the EU continued to systematically promote the women, peace and security agenda of the United Nations Security Council, including by supporting the creation, by UNSCR 1960, of a Monitoring and Reporting Mechanism on sexual violence in armed conflict. In the run-up to the 10th anniversary of UNSCR 1325, the EU and Belgium organised a high-level event in Brussels on 9 September 2010 on ‘The 10th anniversary of UN Security Council Resolution 1325: Ensuring women’s participation in peace and security’. The event was co-hosted by the High Representative and the Foreign Minister of Belgium, Mr Steven Vanackere. It was also addressed by keynote speakers Ms Rachel Mayanja, UN Special Advisor on Gender Issues and Advancement of Women, and Ms Margot Wallström, Special Representative to the UN Secretary-General on sexual violence in armed conflict, as well as other leading figures including Mr Alain Leroy, head of the UN Department of Peacekeeping Operations, and Ms Shirin Ebadi, Nobel Peace Prize Laureate in 2003.

The EU continued to exchange information on its women, peace and security policy with the UN DPKO, OSCE, the AU and NATO. On 27 January 2010 Ms Margot Wallström, then Vice President of the Commission, and NATO Secretary General Mr Anders Fogh Rasmussen hosted an event on women, peace and security with the participation of Former U.S. Secretary of State Madeleine Albright and Spanish First Vice-President Maria Teresa Fernandez de la Vega. The event had participation from some 400 people, including NGO representatives, military officials and policy-makers.

The EU continued to channel specific funding to the implementation of UNSCR 1325 and the subsequent UNSC resolutions. Notably, the EU launched a project supporting UN Women in carrying out a project entitled ‘Women Connect Across Conflicts: Building Accountability for Implementation of UN Security Council UNSCRs 1325, 1820, 1888, 1889’. This action, financed through the European Instrument for Democracy and Human Rights (EIDHR), aims at spurring the implementation of these resolutions in South Asia (Pakistan and Afghanistan), the South Caucasus (Georgia, Armenia, Azerbaijan) and the Ferghana Valley in Central Asia (Tajikistan, Uzbekistan and the Kyrgyz Republic).

In 2010 the EU adopted a thematic lessons and best practices report on mainstreaming human rights and gender in the Common Security and Defence Policy (CSDP). It continued to deploy specific gender advisors and focal points in the CSDP civilian missions and military operations, putting in practice its commitments. In order to mark the 10th anniversary of UNSCR 1325, CSDP operations and missions and EU Delegations organised ‘Open Days’ to interact with women’s organisations and civil society organisations working on gender issues in their respective countries. CSDP missions organised meetings in Bosnia and Herzegovina, Georgia, Iraq and Kosovo.

The European Commission finalised the EU Plan of Action on Gender Equality and Women's Empowerment in Development Cooperation, which includes specific objectives to promote the EU’s policy on women, peace and security through external assistance.



### **3.10 The ICC and the fight against impunity**

The fight against impunity for grave breaches of international law such as genocide, crimes against humanity - including torture - and war crimes, is one of the cornerstones of the EU's approach to building and maintaining lasting peace, international justice and the rule of law. To this end the EU has continued to give strong support – political, financial and technical – to the effective functioning of the International Criminal Court (ICC) and other criminal tribunals, for instance, the *ad hoc* international tribunals for the former Yugoslavia and Rwanda, the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, and the Special Tribunal for Lebanon. The entry into force of the Lisbon Treaty has contributed to more steady action in this area. The NGO community remains a valuable ally in these efforts.

2010 was marked by the successful outcome of the **review conference of the Rome Statute of the ICC** (Kampala, 31 May - 11 June 2010). The Review Conference adopted amendments to the Rome Statute to define the crime of aggression and to establish conditions under which the ICC could exercise jurisdiction with respect to that crime. The Review Conference equally adopted amendments to expand the jurisdiction of the ICC to three additional war crimes when committed in armed conflicts not of an international character and decided to retain, for the time being, the transitional provision of Article 124 of the Statute.

The Council adopted **Conclusions on the Review Conference** on 25 May 2010 when it reaffirmed the EU's commitment to the fight against impunity and to the ICC ahead of the Review Conference. The Parliament also adopted a resolution on this matter on 19 May.

At the Conference and in addition to EU Member States' own pledges, the EU made four **pledges** as proof of the high value it attaches to the Court and its mission, namely:

- promoting the universality and preserving the integrity of the Rome Statute;
- the fight against impunity as a core value to share with our partners when entering into agreements with third parties;

- financial support to the ICC, civil society and non-EU country partners;
- and the update and review of, where appropriate, the EU instruments in support of the ICC.

The ICC continued to be on the agenda of major summits and political dialogues with non-EU countries throughout 2010. Through its statements the EU appealed for an end to impunity for perpetrators of the most horrific crimes committed in the world, and called on all States to hand over the persons for whom an arrest warrant had been issued so that justice could pursue its course. Special attention was paid to the non respect of cooperation obligations by some State Parties, notably the arrest and surrender of persons subject to an arrest warrant.

An effective system of international justice is based on the widest possible participation of States to the Rome Statute. The ratifications by Bangladesh, Seychelles, Saint Lucia and Republic of Moldova brought the number of State parties to 114. The EU remains committed to promoting universality as part of its firm engagement to the Court and it does so through diplomatic démarches, the personal involvement of the High Representative, the insertion of clauses in EU agreements with non-EU countries, support to the Court and to civil society. The EU has continued to coordinate efforts with non-EU States such as Canada, Japan, Australia, Brazil and South Africa. This partnership has allowed the EU to be more efficient and find synergies in the effective promotion of the Court.

In 2010, the EU carried out actions in support of the universality and implementation of the Rome Statute in the following countries and regional organisations: Cameroon, DRC, Mozambique, Seychelles, Swaziland, Tanzania, Iraq, Qatar, Yemen, Armenia, Azerbaijan, Kazakhstan, Republic of Moldova, Turkey, Ukraine, Uzbekistan, Bangladesh, India, Laos, Malaysia, Nepal, Philippines, Vietnam, Kiribati, Tuvalu, Vanuatu, Bahamas, Grenada, Guatemala, Jamaica, Nicaragua, St Lucia, Pacific Islands Forum and CARICOM.

So far the revised Cotonou agreement of 2005, which applies to 76 African, Caribbean and Pacific countries<sup>10</sup> and the EU, is the only binding legal instrument including an ICC-related clause.<sup>11</sup> To date, an ICC clause has been agreed in the Partnership and Cooperation Agreements (PCAs), Trade Cooperation and Development Agreements (TDCAs) and Association Agreements (AAs) with Indonesia, Korea, South Africa, the Andean Community, Libya, Iraq, Mongolia, the Philippines, Vietnam and Central America. ICC clauses are currently being negotiated in the PCAs and AAs with Thailand, Malaysia, China, Russia, Ukraine, Republic of Moldova, Armenia, Azerbaijan, and Georgia.

The European Network of Contact Points in respect of persons responsible for genocide, crimes against humanity and war crimes is a network of national prosecutors specialised in those crimes. During 2010 it held its 8th (May) and 9th (October) meetings. These meetings focused, among other topics, on the cooperation between States and between States and International Tribunals, the application of extraterritorial jurisdiction by Member States, the protection of witnesses and the organisational challenges of the network with the establishment of the Secretariat of the Network within Eurojust in early 2011.

The EU also maintained its assistance aimed at rebuilding and strengthening the Rule of Law at the national level and supported key civil society organisations working towards the effective functioning of the ICC under the European Instrument for Democracy and Human Rights. The global Coalition for the International Criminal Court, the Parliamentarians for Global Actions, Lawyers without Borders, as well as the Kenya Section of the International Commission of Jurists, and many others worked in close cooperation with the EU. The European Development Fund and the Instrument for Stability funded criminal and transitional justice projects in Africa Asia and Oceania.

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<sup>10</sup> Equatorial Guinea and Sudan have not ratified the agreement. The Council on 8 December approved a draft letter to be sent to the ACP group of states outlining the implications of non-ratification of the revised ACP-EU (Cotonou) partnership agreement. Cuba did not sign the agreement.

<sup>11</sup> Article 11 of the Cotonou agreement (OJ L 317, 15.12.2000, p 3-353, amended by OJ L 209, 11.8.2005, p 27-64).

### **3.11 Human rights and terrorism**

The EU attaches great importance to guaranteeing the full and effective protection of human rights and fundamental freedoms in Europe and in the wider world in the context of the fight against terrorism. Effective counter-terrorism measures and the protection of human rights are not conflicting but complementary and mutually reinforcing goals. The European Union's strategic commitment, defined in its Counter-Terrorism strategy, is very clear in this respect: "To combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in an area of freedom, security and justice."

The EU reaffirmed in statements in various United Nations forums the importance of ensuring respect for human rights in the fight against terrorism. Belgium, speaking on behalf of the EU at the second UN Global Counter-Terrorism Strategy Review in New York on 8 September 2010 noted that a core principle for the EU in counter-terrorism action was scrupulous respect for human rights and fundamental freedoms. In this context, the EU welcomed the new safeguards for the rights of individuals in the system of terrorist listing introduced by UN Security Council Resolution 1904.

The EU continued to conduct a detailed dialogue with the U.S. State Department Legal Adviser on international law and counter-terrorism. On 3 June 2010, the European Union and the United States adopted a declaration on counter-terrorism which underlined that efforts against terrorism must accord with fundamental values and the rule of law. The statement noted that any measures taken by States to combat terrorism must comply with the State's obligations under human rights law, international humanitarian law and refugee law. The statement underlined the joint commitment of the EU and the US to implementing the prohibition on torture, as well as on cruel, inhuman and degrading treatment or punishment. The EU and U.S. agreed that all trials of terrorist suspects should occur within a legal framework that provides for meaningful due process rights and ensures that the proceedings are fair, public to the maximum extent possible and effective.

The EU started to provide counter-terrorism capacity building assistance to third countries under the Instrument for Stability. The projects were intended to improve the capacity of judicial and law enforcement authorities to fight terrorism in line with the rule of law and human rights, for example in the Sahel and in Pakistan. Through the Instrument for Stability, the EU also supported the UN to implement the UN Global Counter-Terrorism Strategy, in particular in Central Asia. Human rights are a central pillar of the strategy and figured prominently in the project.

### **3.12 Human rights and business**

2010 saw some important developments in EU policy on business and human rights both internally and in the EU's external relations.

The European Commission started preparations for a new Communication on Corporate Social Responsibility. The aims of this include encouraging business to respect human rights, as well as higher labour and environmental standards, across the globe. In October 2010, the Commission published a report by the University of Edinburgh to clarify the existing legal framework on human rights and the environment applicable to EU enterprises operating outside the EU.”<sup>12</sup> The European Multi-stakeholder Forum on CSR was organised by the European Commission in Brussels on 29-30 November 2010 and brought together representatives of the business, trade unions, non-governmental organisations and other stakeholders. It aimed at exchanging views on the scope and content of future European policy in the field of CSR, and included a specific panel on the implementation of the UN Framework for business and human rights. In November 2010, the Commission launched public consultation on the future of European policy as regard on disclosure of non-financial information by companies and included a specific question related to human rights reporting.<sup>13</sup> The Commission adopted in November 2010 a guide on the social considerations in public procurement, which makes reference to the possibility of including the protection of and respect for human rights in tender specifications and conditions of contracts<sup>14</sup>.

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<sup>12</sup> [http://ec.europa.eu/enterprise/policies/sustainable-business/files/business-human-rights/101025\\_ec\\_study\\_final\\_report\\_en.pdf](http://ec.europa.eu/enterprise/policies/sustainable-business/files/business-human-rights/101025_ec_study_final_report_en.pdf)

<sup>13</sup> [http://ec.europa.eu/internal\\_market/consultations/2010/non-financial\\_reporting\\_en.htm](http://ec.europa.eu/internal_market/consultations/2010/non-financial_reporting_en.htm)

<sup>14</sup> <http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=978&furtherNews=yes>

In the international arena, throughout 2010 the EU closely followed the work on the Guiding Principles by the UN Special Representative on Business and Human Rights, Professor Ruggie, and provided consolidated comments to the draft Guiding Principles. In June 2010, during an interactive dialogue with the Special Representative at the 14<sup>th</sup> session of the Human Rights Council, the EU supported the ongoing work and highlighted significant work underway in Europe in order to better link business and human rights issues. In October 2010, the EU took part in the interactive debate with Professor Ruggie at the Third Committee of the 65th UN General Assembly and expressed its support for the Special Representative's framework entitled 'protect, respect and remedy'. The European Commission, along with 21 EU Member States at the OECD, contributed actively to the review of the OECD Guidelines for Multinational Enterprises. The updated Guidelines, to be adopted in May 2011, will integrate the UN business and human rights Framework into a new chapter on human rights and the concept of due diligence in the supply chain. A revised chapter on procedural aspects will enhance the remit of the network of national contact points. The EU also supported additional initiatives at the multilateral level, eg the UN Global Compact (ie the business platform – launched by then UN SG Kofi Annan – gathering companies that are committed to aligning their operations and strategies with ten universally accepted principles in the areas of human rights, labour, environment and anti-corruption).

### ***3.13 Economic, social and cultural rights***

The EU attaches the same importance to economic, social and cultural rights as to civil and political rights, bearing in mind the universality, indivisibility, interdependence and inter-relatedness of all human rights, as confirmed by the 1993 World Conference on Human Rights held in Vienna.

Economic, social and cultural rights continued to be addressed through the specific tools of the EU human rights policy in relation to other countries. For instance, in March 2010, the European Commission issued a Communication on the EU policy framework to assist developing countries in addressing food security challenges. In preparation for this Communication, the Commission launched a study on the implication of the right to food and the concept of food sovereignty for EU development cooperation. A seminar on the topic was organised in Brussels in December 2010.

On 22 March 2010, the EU issued a declaration to commemorate the World Water Day reaffirming that all States bear human rights obligations regarding access to safe drinking water, which must be available, physically accessible, affordable and acceptable.

In the UN Human Rights Council, the EU continued to publicly support and cooperate with a range of Special Procedures working on economic, social and cultural rights, such as the mandates on education, housing, physical and mental health, food, extreme poverty and access to drinking water and sanitation.

Furthermore, the EU continued to support the strengthening of the International Labour Organisation (ILO) supervisory system and to intervene in the ILO International Labour Conference and the Governing Body on a regular basis in connection with major cases of violation of core labour standards. The EU continues to support the ILO, for instance in the areas of trade and employment, statistical systems, social protection and employment policies, as well as occupational safety and health.



In its overall relations with countries around the world, the EU continued to encourage and facilitate the ratification and implementation of the ILO conventions on core labour standards, including through technical cooperation and through close cooperation with the ILO. In some cases, the EU has included issues related to employment, labour legislation and social protection in bilateral expert dialogues. Discussions on economic social and cultural rights have been addressed also in the framework of EU human rights dialogues and consultations, as well as in the related civil society meetings.

The EU is firmly committed to promoting core labour standards and decent work for all in its trade policy, and routinely includes cooperation initiatives and incentives for better working conditions in the trade agreements it negotiates. The EU's draft trade agreements with other countries and regions are carefully examined for their potential effects on social development, including labour standards. Under the terms of the EU's Generalised System of Preferences additional trade preferences are granted to developing countries that have ratified and implemented 27 international conventions, including on core labour rights, through the GSP+ sub-scheme.

### ***3.14 Asylum, migration, refugees and displaced persons***

The Commission adopted reports on the evaluation on the implementation of Council Directive 2004/83/EC ("the Qualification Directive") and Council Directive 2005/85/EC ("the Asylum Procedures Directive"). These found that overall the Directives have been transposed satisfactorily in the majority of Member States. However, several issues of incorrect transposition or misapplication of the Directive were highlighted.

In particular, the report on the Qualification Directive showed that wide discretion is allowed by the Directive in a number of areas, notably due to the vagueness and ambiguity of several concepts such as actors of protection, internal protection, and membership of a particular social group. Important disparities remained between Member States in the granting of protection, as well as the form of the protection granted. Moreover, the report on the Asylum Procedures Directive showed that some of the Directive's optional provisions and derogation clauses had contributed to the proliferation of divergent arrangements across the EU, and that procedural guarantees vary considerably between Member States. This is notably the case with the provisions on accelerated procedures, 'safe country of origin', 'safe third country', personal interviews, legal assistance, and access to an effective remedy. The Commission stated that it will examine and pursue all cases where problems of application were identified.

In July 2010 the Commission presented key proposals to advance the legal framework on migration, with a proposal on a Directive on seasonal workers<sup>15</sup> and another Directive on intra-corporate transferees (ICT)<sup>16</sup>. The proposal on seasonal workers creates a fast-track procedure to admit third-country seasonal workers. It includes provisions on working conditions, the need for prospective employers to provide evidence that the seasonal worker will have appropriate accommodation, as well as a provision for facilitation of complaints to avoid exploitation of seasonal workers. The proposal on ICTs facilitates the temporary transfer of third-country national skilled workers, such as managers, specialists or trainees from a company located outside the EU to branches or subsidiaries in EU Member States. Intra-corporate transferees benefit from enhanced mobility within the EU and the same working conditions as posted workers whose employer is established on the territory of the EU. Discussions on both Directive have started in Council and Parliament.

Negotiations continued on the proposed Directive for a 'single permit' and employment related rights for migrants, but in the course of 2010 the European Parliament and the Council could not find an agreement.

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<sup>15</sup> COM(2010) 379 final.

<sup>16</sup> COM(2010) 378 final.

In October the Commission presented a report on the application of Directive 2004/81 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities. The report showed that the potential of this Directive was not being put to full use, with differences in granting the residence permit among Member States, stricter criteria for issuing the residence permit (which may be impossible for the victims to fulfil), or excessive formalities concerning the evaluation of an intention of the victim to cooperate with investigating authorities.

The Commission also presented the first annual report in the area of migration and asylum in the form of a Communication on the 'Tracking method for monitoring the implementation of the European Pact on Immigration and Asylum' throughout 2009. It gave a short summary political report highlighting the main developments and the most significant developments planned at both EU and Member State levels, as well as more detailed information on the main action taken.

### ***3.15 Trafficking in human beings***

Trafficking in human beings is a serious crime, often committed within the framework of organised crime, and explicitly prohibited in Article 5 of the Charter of Fundamental Rights of the European Union. Preventing and combating trafficking in human beings is a priority for the EU and the Member States.

Based on the Commission proposal of March 2010, a new Directive 2011/36 on prevention and combating trafficking in human beings and protecting its victims was prepared (and has since been adopted by the Council and the European Parliament in March 2011). This Directive adopts an integrated, holistic, and human rights-based approach to the fight against trafficking in human beings, including a gender perspective. Children and women are often more at risk of becoming victims of trafficking in human beings. The child's best interests must be a primary consideration, in accordance with the Charter of Fundamental Rights of the European Union and the 1989 United Nations Convention on the Rights of the Child.

Following the decision by the European Court of Human Rights (January 2010) in the Case of *Rantsev versus Cyprus and Russia*, trafficking in human beings is a violation of Article 4 of the European Convention on Human Rights, which prohibits slavery and forced labour. The Court ruled that Member States have 'positive obligations' to put in place an appropriate legal and administrative framework to combat trafficking, that police should take operational measures to protect victims from trafficking and to investigate how and where a victim had been recruited and to take steps to identify those involved in the recruitment or the methods of recruitment used. The EU, and all of its Member States, are bound by this decision.

Furthermore, the fight against trafficking in women, men and children is a priority under the EU policies on gender and on children's rights. Human trafficking, within the context of gender based violence is addressed in the Strategy for Equality between Men and Women 2010-2015 and the Strategy on Gender Equality and Women's Empowerment.

In 2010 two informal meeting of the National Rapporteurs or equivalent mechanisms on trafficking in human beings were organised. Different topics were discussed: data collection, prevention, better identification of victims, prosecution (including case law) and use of development cooperation in the area of support and assistance to victims of non-EU countries.

To further streamline EU actions in the field of trafficking in human beings, the Commission appointed in December 2010 an EU Anti-trafficking Coordinator with the main task to provide for the overall strategic policy orientation in the field of trafficking in human beings, including with a view to improving coordination and coherence between EU institutions and EU agencies as well as with Member States and international actors.

Also in December 2010, the Commission launched a new anti-trafficking website, which includes information on EU policy and legislation, National Information Pages on all EU Member States, Commission funded projects and publications by different stakeholders, including on the link between human rights and human trafficking.<sup>17</sup>

The EU is funding many projects on trafficking in human beings. The fight against human trafficking in Europe is a priority under the financing programme "Prevention of and Fight against Crime", as part of the General Programme "Security and Safeguarding Liberties" (2007-2013). A targeted call for projects (€4 million) on trafficking in human beings took place in June 2010 and approved projects for funding have started. A next targeted call for projects will be launched in 2011. The Daphne programme contributes to the protection of children, young people and women against all forms of (gender-based) violence, including trafficking in human beings.

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<sup>17</sup> <http://ec.europa.eu/anti-trafficking>

The “Action-Oriented Paper on Strengthening the EU External Dimension on Action against Trafficking in Human Beings: Towards Global EU Action against Trafficking in Human Beings”, adopted in December 2009 is the policy framework for the EU’s objective to strengthen its role and capacity to act in cooperation and partnership with non-EU countries, regions and organisations at the international level.

The fight against trafficking is included in several bilateral ENP Action Plans, and the Stabilisation and Association Agreements with the Western Balkans. Projects have been funded within the instrument for Pre-Accession Assistance and Technical Assistance and Information Exchange Instrument (TAIEX). Human trafficking is raised in political dialogue with non-EU countries, in particular in the human rights dialogues and consultations. The EU supports international efforts at various UN forums, advocating prevention, victim protection and assistance, the establishment of a legislative framework, policy development and law enforcement, international cooperation and coordination on the fight against human trafficking.

The fight against trafficking is prioritised in the EU’s geographic and thematic cooperation with non-EU countries. It is mainstreamed into Country Strategy Papers and National and Regional Indicative Programmes. Funds are available under financing instruments, such as the Thematic Programme on Migration and Asylum, the Instrument for Stability, the thematic programme 'Investing in People', and the European Instrument for Democracy and Human Rights (EIDHR). A new Call for Proposals of the thematic programme on Migration and Asylum was launched in 2010, including trafficking as one of the main priority areas.

### **3.16 Combating racism, xenophobia and discrimination**

The EU continued in 2010 to contribute significantly to the combat all forms of racism, racial discrimination, xenophobia and similar types of intolerance, including discrimination on the basis of sexual orientation and gender identity, worldwide.

In its external action, the EU continued to raise racism and xenophobia related issues in its political dialogues with non-EU countries, for example with China. These issues also continue to be taken into consideration in cooperation strategies; for example, under the European Neighbourhood Policy Action Plans, the partner countries commit themselves to combating all forms of discrimination, religious intolerance, racism and xenophobia.

The EU continued to join forces with regional bodies such as the Council of Europe's European Commission against Racism and Intolerance (ECRI). In the OSCE framework, the EU closely coordinated to advance the implementation of the commitments made by the 56 OSCE Participating States as regards combating racism, xenophobia and discrimination. The EU welcomed the Council of Europe Recommendation on Measures to Combat Discrimination on Grounds of Sexual Orientation and Gender Identity, adopted 31 March 2010.

At the multilateral level, the EU also actively cooperated with the UN in tackling racism and discrimination. It supported the mandate of the UN Special Rapporteur on contemporary forms of racism, xenophobia and related intolerance, Mr Githu Muigai.

The EU continued to mainstream the fight against discrimination in its international cooperation. Through its European Instrument for Democracy and Human Rights (EIDHR), the EU has supported a wide range of civil society organisations in some 120 recent projects, for a total of approximately €24 million. In addition, through the EIDHR, the EU supported the United Nations High Commissioner for Human Rights (OHCHR) in the implementation of existing international standards on equality and non-discrimination, in particular the International Convention on the Elimination of Racial Discrimination.

### ***3.17 Lesbian, Gay, Bisexual, Transgender & Intersex persons***

In June 2010 the Council Working Party on Human Rights adopted a “Toolkit to Promote and Protect the Enjoyment of All Human Rights by Lesbian, Gay, Bisexual and Transgender People” or “LGBT Toolkit”, which was also endorsed by the Council’s Political and Security Committee.

The Toolkit was born out of growing awareness that gender identity and sexual orientation continue to be used as justifications for serious human rights violations around the world. Lesbian, Gay, Bisexual and Transgender (LGBT) persons often constitute a vulnerable group and continue to fall victims of persecution, discrimination and gross ill-treatment, often involving extreme forms of violence. In several countries, sexual relations between consenting adults of the same sex are considered a crime and punished with imprisonment or with the death penalty.

Against this backdrop, the Toolkit was designed to offer a tangible expression of the EU's determination to ensure that all individuals, without discrimination, enjoy the full range of human rights. Through the different tools available to it within its external action, including financial instruments available both through EU institutions and the Member States, the EU is committed to actively promote and protect the enjoyment of all human rights by LGBT persons, like all others.



The Toolkit identifies three priority areas for EU external action:

- Decriminalisation,
- Equality and non-discrimination, and
- Support and protection for (LGBT) human rights defenders.

The operational part of the Toolkit outlines various concrete tools and actions that EU has at its disposal regarding partner countries and in multilateral forums, including at the United Nations, OSCE, and Council of Europe, as well as supporting efforts by the civil society.

The EU also raised the issue of discrimination on the basis of sexual orientation and gender identity in human rights dialogues, for example with the Republic of Moldova, and several public statements and démarches have been used to mark the EU's stance on LGBT issues, including against homophobic actions and in favour of de-criminalisation of homosexual relations. In some instances, as with the Republic of Moldova, the dialogue resulted in expert cooperation.

On 17 May 2010, International Day Against Homophobia, the High Representative issued a formal declaration underlining her personal commitment to the equality and social justice agenda, in particular in the field of gay rights, going back many years. On behalf of the EU, she urged all States to take whatever measures necessary to ensure that sexual orientation and gender identity may under no circumstances be the basis for criminal penalties, that human rights violations are investigated and perpetrators held accountable and brought to justice.

### ***3.18 Rights of persons with disabilities***

The major development of 2010 came on 23 December, when the EU instrument for formal confirmation of the 2006 UN Convention on Rights of Persons with Disabilities (UNCRPD) was deposited at the UN Treaty Office. This completed the ratification procedure begun on 26 November 2009 when the Council paved the way for EU accession to the UNCRPD. In this way, for the first time ever, the EU became party in its own right to a comprehensive UN human rights Convention. (All EU Member States have signed the UNCRPD, and 17 have already ratified it).

The importance of the UNCRPD is that it establishes the principle of full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities. The UNCRPD is the first international legally binding instrument establishing minimum standards for the protection and safeguarding of a full range of civil, political, social, economic and cultural rights of persons with disabilities around the world. In terms of its content, the UNCRPD is a complement to existing international human rights treaties. It does not recognise any new human rights of persons with disabilities, but rather clarifies the obligations and legal duties of States / Regional Integration Organisations to respect and ensure the equal enjoyment of all human rights by all persons with disabilities. Yet the Convention represents a significant change: it establishes that disabled persons are no longer seen as "objects" but as "subjects" with rights, recognising that disability is an evolving concept, and that disability results from the interaction between persons with impairments and the attitudes and environment which hinder their full and effective participation in society on an equal basis with others. It lays down a wide range of policy objectives and obligations of States Parties which aim to ensure that persons with disabilities enjoy all human rights and fundamental freedoms.

The Convention is complemented by an Optional Protocol, which allows for individuals or a group of individuals to file a complaint to the Committee on the Rights of Persons with Disabilities in relation to a perceived violation of the Convention by a State Party. The Optional Protocol also provides for an inquiry procedure by the Committee in case of reported grave and systematic violation by a State of the Convention.

By concluding the UNCRPD, the EU committed itself to complying with relevant articles within its competence, including in its external action. This includes, for example, Article 32, which enunciates among other things the obligation to undertake appropriate measures “ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities”. The EU also committed itself to supporting developing countries to implement the UNCRPD.

Beyond this major development, the European Commission proposed a new European Disability strategy for 2010-2020, with one of its main aims to implement the UNCRPD. A Communication adopted on 15 November 2010 described the key elements of this strategy.<sup>18</sup> The Strategy contains specific measures over the next decade, clustered around eight priority areas dealing with (1) Accessibility, (2) Participation, (3) Equality, (4) Employment, (5) Education and training, (6) Social protection, (7) Health, and (8) External Action. The Strategy is accompanied by a Commission Staff working document, listing in detail the actions that the Commission will undertake to implement the Strategy and the UN Convention for the first five years of the Strategy (2011-2015).

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<sup>18</sup> "Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe" (COM(2010) 636 final, SEC(2010) 1324 final).

The EU continued its efforts to protect and promote the rights of persons with disabilities outside the EU through the systematic inclusion of persons with disabilities in EU development cooperation. From 2000 to 2010, the EU funded over 440 projects (corresponding to over €200 million) specifically targeting persons with disabilities in 82 countries. The main activities supported included: capacity building, policy development, community-based rehabilitation, promotion of human rights, de-institutionalisation, social inclusion, improving data collection and humanitarian and emergency assistance. In addition, a disability perspective has also been mainstreamed in development cooperation, eg in the European Instrument for Democracy and Human Rights and the 'Investing in People' thematic programme. During 2010 the European Commission also launched a study to examine how EU development cooperation could better contribute to the social inclusion and the promotion of rights of persons with disabilities, in line with the UNCRPD.

### ***3.19 Rights of Persons belonging to minorities***

In all regions of the world, persons belonging to minorities continue to face serious threats, discrimination and racism, and are frequently excluded from fully taking part in the economic, political, social and cultural life available to the majorities in the countries or societies in which they live. The Treaty on European Union, as amended by the Lisbon Treaty, explicitly states that the rights of persons belonging to minorities are among the values upon which the EU is founded and which it undertakes to promote in its relations with the wider world.

At the international level, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities<sup>19</sup> is the key reference text on the rights of persons belonging to minorities. In Europe, the Council of Europe has adopted the Framework Convention on the Protection of National Minorities<sup>20</sup> and the European Charter for Regional or Minority Languages<sup>21</sup>.

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<sup>19</sup> <http://www.ohchr.org/Documents/Publications/GuideMinoritiesDeclarationen.pdf>

<sup>20</sup> <http://conventions.coe.int/Treaty/EN/Treaties/Html/157.htm>

<sup>21</sup> <http://conventions.coe.int/Treaty/EN/Treaties/Html/148.htm>

The Roma community is now the EU's largest ethnic minority. Measures to promote equal treatment of Roma are therefore of particular concern to the EU, which is actively supporting the Roma, Gypsy and Traveller community across Europe<sup>22</sup>. At the request of the Council, the Commission, together with the EU Presidencies, established in 2009 the European platform for Roma inclusion as a new mechanism of governance. In this platform key actors, such as EU institutions, national governments, international organisations, NGOs and experts, interact and formulate strategic advice for decision-makers on the effective inclusion of Roma aspects into European and national policies.

More generally, in many of the EU's neighbours persons belonging to minorities have been identified as those among the most vulnerable. Protection of minorities is one of the key issues under the Copenhagen political criteria for accession. It is in this context that the record of candidate countries and potential candidates on minority issues continues to be assessed in the progress reports presented by the European Commission. In return, the EU has provided focused pre-accession financial aid to candidate countries and potential candidates to help them introduce necessary political, economic and institutional reforms, in line with EU standards. Supported projects for persons belonging to minorities are predominantly aimed at reducing social disparities and at improving and promoting a better quality of life. Strengthening social cohesion in these countries covers the integration of disadvantaged people, combating discrimination and strengthening human capital, notably by reforming education systems.

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<sup>22</sup> The EU and Roma: <http://ec.europa.eu/social/main.jsp?catId=518>

Minority issues also continued to be an important aspect in the EU's relations with other parts of the world. During 2010 the EU raised minority issues in its political dialogues with non-EU countries, for example with Georgia, Republic of Moldova and Russia. Minority issues have also been mainstreamed in cooperation strategies and action plans. The EU Colombia Country Strategy Paper 2007-2013, for instance, addresses the humanitarian and human rights situation of persons belonging to minorities, and includes among its key priorities peacebuilding through the involvement of marginalised citizens in local governance and participatory economy, as well as the promotion of human rights, good governance and the fight against impunity. Another example is the explicit reference to the respect for the rights of persons belonging to national minorities in the ENP Action Plan with Ukraine.

The EU also actively cooperated in UN forums on the promotion and protection of the rights of persons belonging to minorities. UN processes include the Forum on Minority Issues and the work of the Independent Expert on minority issues. Also, the EU continued to join forces with other international organisations and multilateral bodies active in this field, such as the OSCE and its High Commissioner on National Minorities, the Council of Europe and the World Bank.

In addition, the EU has continued using a wide range of financial and technical cooperation instruments, including bilateral cooperation with governments and direct support to civil society, complementing each other and working in synergy to promote and protect the rights of persons belonging to minorities. To this end, the EU has been supporting governments' programmes and policies that are targeted at minorities or that have a potential impact in this area, through bilateral cooperation. For example, the EU has been supporting long-term solutions to the protracted refugees situation in Bangladesh of the Muslim minorities from Burma/Myanmar (Northern Rakhine State) and enhancement of social cohesion for the vulnerable population in the district of Cox's Bazar.

The EU has also supported civil society organisations working for the protection and promotion of the rights of persons belonging to minorities, in particular through the EIDHR, especially with the aim to contribute to combating discrimination, promoting the protection and development of equal participation of men and women from minority communities in the social, economic and political life within the broader context of strengthening human rights, political pluralism and democratic political participation. For instance, the EIDHR has funded a project in The Kyrgyz Republic aiming at strengthening minority group interaction with state bodies and NGOs, political representation and participation at local and national levels and involvement in democratic reforms. Another example is the EU-Council of Europe Joint Programme entitled “Minorities in Russia: developing languages, culture, media and civil society”, aimed at facilitating the process of ratification of the European Charter for Regional or Minority Languages by the Russian Federation.

### **3.20 Indigenous Issues**

The principles of the EU engagement towards indigenous peoples are applied in the context of the UN Declaration on the Rights of Indigenous Peoples of 2007, which advances the rights and ensures the continued development of indigenous peoples around the world. An internal mechanism within the European Commission ensures the coordination of indigenous peoples-related activities carried out by different Commission services as well as the strengthening of the profile of indigenous peoples' issues in the overall EU development agenda<sup>23</sup>.

Since the establishment of the International Day of the World's Indigenous People in 1994, first the Commissioner for External Relations and European Neighbourhood Policy and now the High Representative has issued a statement on the occasion of the International Day on 9 August almost every year. In addition, EU Delegations all over the world have been organising numerous events on or around 9 August, including meetings with indigenous leaders, press conferences, press articles, participation in seminars and visits to projects funded by the EU.

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<sup>23</sup> More information the EU policy on indigenous peoples:  
[http://ec.europa.eu/external\\_relations/human\\_rights/ip/index\\_en.htm](http://ec.europa.eu/external_relations/human_rights/ip/index_en.htm)

The EU continued to be keenly involved in the United Nations forums dealing with indigenous issues as well as contributing to the cooperation work of UN agencies dealing with indigenous peoples. International processes include the UN Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, the Convention on Biological Diversity, the African Commission on Human and Peoples' Rights and the Arctic Council.

Indigenous peoples' issues continued to be mainstreamed in EU development cooperation strategies and enhance the awareness of indigenous peoples issues. In 2008 the European Commission completed a study on integrating support for promoting the rights and issues of indigenous peoples in EU cooperation with African, Caribbean and Pacific countries with case studies from Suriname and Kenya, including operational recommendations to EU Delegations on how to integrate indigenous peoples issues in development cooperation. The operational conclusions of this study led to the preparation of a "Draft Tool for EU Cooperation with Indigenous Peoples in ACP countries" that is designed to provide advice and assistance to EU Delegations in countries where cooperation activities might affect indigenous peoples or their territories / rights.

During 2010 the European Commission finalised a study entitled "Civil society mapping in Asia", with a specific focus on Nepal. The study includes an analysis of the role of indigenous peoples organisations within civil society, and provides recommendations to the EU Delegation in Nepal on how to involve such organisations in EU policy dialogue and programming cycle.

Under the EIDHR, there is wide scope for specific actions relevant to indigenous peoples to be implemented at the country, transnational or regional levels. The projects funded during 2010 were targeted at international organisations, NGOs and indigenous organisations aiming at:

- (a) supporting indigenous peoples and their representatives in participating in and following up on UN processes relevant to indigenous peoples, and
- (b) supporting civil society activities aimed at promoting ILO Convention 169 and its principles.



To give a concrete example, the EIDHR has been supporting a project with the OHCHR on capacity-building for indigenous peoples at the UN. Indigenous peoples are the best promoters of their own rights if they have adequate logistics, documentation and information. This project aims at enhancing indigenous leaders' and representatives' efficiency during UN events addressing the rights of indigenous peoples.

The EIDHR also supports the ILO in its dialogues with governments and other stakeholders, for the ratification of Convention 169. In 2010, the government of the Central African Republic and the government of Nicaragua ratified it.

### **3.21 Democracy & elections**

#### **3.21.1 Democracy support**

The consolidation of democracy, support to democratic institutions and civil and political society constitute key objectives of the EU's external action.

On 17 November 2009 the Council adopted conclusions on Democracy Support in the EU's External Relations<sup>24</sup>, setting out an 'Agenda for Action'. They constituted the first strategic, concrete orientation for a broader and more coherent democracy support policy in the EU's External Relations, well beyond earlier, more general policy statements in strategic documents.

In December 2010, the Council adopted follow-up conclusions welcoming a progress report on implementation of the 2009 Agenda for Action. The Council endorsed the list of proposed pilot countries, representing a broad geographic mix, with different sizes and levels of economic development, including post-conflict situations and recent transitions.

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<sup>24</sup> 16081/09

- Republic of Moldova – for Eastern Neighbourhood
- Kyrgyz Republic – for Central Asia
- Lebanon – for Southern Neighbourhood
- Ghana, Benin, Solomon Islands and Central African Republic – for ACP
- Bolivia – for Latin America
- Mongolia, Philippines, Indonesia and Maldives – in Asia

The 2009 recommendations proposed a tailor-made, country-specific approach, taking into account the country's specific situation, history, geography and culture as a starting point. The level of ambition will be determined taking into account the EU's general strategy towards a given region, the willingness and commitment of the country's political leadership to progress towards democracy and the level of expectation of the civil and political society. An appropriate mix of instruments will then be elaborated to respond to the specific situation in each country, depending on the degree to which the country has already advanced on its path of democracy.

The Council requested the High Representative to draw up a course of action and a timetable for implementation in partnership with the proposed pilot countries, to report back on progress achieved, and to prepare a comprehensive implementation report by early 2012.

Guiding principles of the Agenda for Action are dialogue and partnership, based on the recognition that true partnerships based on dialogue and consultation ensure ownership of democratic processes. This obviously does not imply that the EU deviates from its principles and objectives or is willing to enter into negotiations on them, but that it enters into a dialogue among equals, without preaching, on where common ground can be found to make progress, and how best to assist countries in implementing international obligations to which they have committed themselves in a sovereign way (UN Conventions, Covenants etc), including by sharing best regional practices.

The EU continued its dialogue with other partners - the UN, regional organisations, multilateral and bilateral donors - as key to achieving the Paris and Accra principles<sup>25</sup>, avoiding duplication between donors, and maximising impact for the benefit of the whole population.

### **3.21.2 Election support**

Elections are an example of human rights in practice. A democratic electoral process is part of establishing a system of government that can ensure respect for human rights and the rule of law, and thereby contribute to preventing violent conflict. Elections do not in all cases provide people with a real opportunity to choose their representatives freely. Democratic transition is a highly complex process which is closely interlinked with social, economic, cultural and security policy developments. Therefore, in order to support the conduct of genuine, democratic elections the EU has provided electoral support to a wide range of partner countries.

The EU is one of the leading global actors in supporting elections; the approach followed is outlined in the 2000 Commission Communication on Election Assistance and Observation. The main components of EU election support are electoral assistance and election observation missions (EOMs). There are important complementarities between the objectives of these activities as the outcome of electoral assistance projects and EOM recommendations are integrated into future electoral assistance and broader democracy support.

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<sup>25</sup> [http://www.oecd.org/document/18/0,2340,en\\_2649\\_3236398\\_35401554\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/18/0,2340,en_2649_3236398_35401554_1_1_1_1,00.html)

## **Election Observation**

EU election observation, in particular long-term observation, provides a specific opportunity to assess an election process according to international standards and best practices for genuine democratic elections. The international standards established by international and regional legal treaties and political commitments to which the country observed has agreed to be bound include universal principles applying to the conduct of elections, such as fundamental freedoms and political rights as outlined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

International standards for democratic elections include first and foremost the right to participate in government through:

- periodic elections
- genuine elections
- universal suffrage
- equal suffrage
- the right to stand for election
- the right to vote
- the right to a secret ballot
- the free expression of the will of voters

The international standards are also based on freedom of expression, freedom of association, freedom of assembly, freedom of movement, the right to non-discrimination and the right to an effective legal remedy. EU EOMs also assess whether elections have been conducted in line with best practices for democratic elections, such as transparency of the election process; impartiality in the conduct of the election administration and in the use of state resources; equitable access to, and balanced coverage by, any public media.

Election observation is a vital activity aiming to promote democracy, human rights and the rule of law worldwide. It contributes to strengthening democratic institutions, building public confidence in electoral processes, helping to deter fraud, intimidation and violence. It also reinforces other key EU foreign policy objectives, in particular peacebuilding.

## **EU Election Observation Missions (EOMs)**

Between 2000 and 2010, 84 EU EOMs have been deployed to 52 countries covering all continents, with the exception of the OSCE region. No EU EOMs have been deployed in Europe or Central Asia as election observation is currently undertaken in these regions by the Organisation for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) with the support of observers seconded by EU Member States, European Parliament Observation Delegations and, in exceptional circumstances, EU support through the Instrument for Stability and the EIDHR.

In 2010 seven election observation missions were deployed to Togo (March), Sudan (April), Ethiopia (May), Guinea, Burundi (June-July), Tanzania (October) and the Ivory Coast (October). Under the authority of Chief Observers from the European Parliament, over 800 observers from all Member States staffed these observation missions, therefore representing not only one of the most tangible, but also visible contributions to EU foreign policy, and a tool which brings together the Commission, Parliament and Member States in a shared endeavour to promote democracy and human rights across the globe.

All missions adhere to the Declaration of Principles for International Election Observation, commemorated at the UN in October 2005 and endorsed by the European Commission as well as the European Parliament.

The EU has devoted increased efforts to following up the findings and recommendations of EU EOMs, in particular through their inclusion in EU declarations, political dialogue and cooperation programmes, including EIDHR programming. As part of these efforts, all EU EOM Chief Observers are requested to present the EOM final report to a wide range of interlocutors in the country where they have observed an election. In 2010 the Government of Ethiopia refused to accept such a return visit by the Chief Observer. It was also not possible to present the EU EOM's final report in Ivory Coast, although it was released at the headquarters of ECOWAS.

The purpose of EU EOMs is to:

- assess the degree to which an election is conducted in line with international standards and best practices for democratic elections;
- deter/reduce electoral fraud and irregularities;
- deter/reduce violence and intimidation;
- enhance the confidence of political contestants, civil society and the electorate to participate in elections;
- provide a snapshot of a whole range of democratisation issues, such as the independence and performance of the judiciary as well as general respect for human rights; and
- issue recommendations to improve the election framework and democratic environment.

In addition election assessment teams were deployed to Iraq (March) and Afghanistan (September) where security considerations prohibited full election observation. The deployment of election assessment teams provided a model for future such deployments in security compromised environments where it is not possible to follow fully the methodology established by the 2005 declaration.

## **Election Expert Missions**

Given the limits on available resources and the large number of important elections taking place across the world in any given year, the EU is not able to answer every request for the deployment of an election observation mission. It can, however, also deploy a number of election expert missions (EEM) whose mandate is to provide inputs for confidence-enhancing steps both during and after an electoral process. Such missions undertake a detailed analysis of the ongoing electoral process and report to relevant electoral stakeholders in the country, and to the EU institutions. EEMs are not observation missions and do not make public statements about an electoral process.

During 2010 election expert missions were sent to Nicaragua (March), Rwanda (August), the Solomon Islands (August), Haiti (November) and Kosovo (December). As for EOMs and the election assessment teams, all were funded by the EIDHR with the exception of the mission to Kosovo, funded by the Instrument for Pre-accession Assistance.

### **3.21.3 Electoral Assistance (EA)**

Over the last 6 years (2005-2010) electoral assistance accounted for almost €600 million or about €100 million per year, funded via geographic programmes, the Instrument for Stability and the EIDHR, delivering capacity-building as well as technical and material support to electoral processes in almost 60 countries. Almost two thirds of the support was geared towards Sub-Saharan Africa. An important part of that support has been provided in post-conflict countries such as DRC, Afghanistan, Sudan, Ivory Coast and Iraq.

Efforts are increasing to ensure greater synergies between EU EOMs and Electoral Assistance, on the one hand by integrating EU EOM recommendations into electoral assistance interventions while ensuring such recommendations are feasible and realistic for the specific country context; on the other hand by ensuring that EU EOMs benefit from the experience gained through electoral assistance.

In 2010 the EU supported electoral assistance programmes and/or projects in a number of countries including Bolivia, Burundi, Comoros, Cote d'Ivoire, Central Africa Republic, Ghana, Guinea Conakry, Haiti, Kenya, Kyrgyz Republic, Liberia, Moldova, Niger, Nigeria, Sierra Leone, Sudan and the Lusophone countries through the PALOP-TL programme. These programmes accounted for approximately €100 million.

Knowledge development and collaboration with the main actors in the field continued to be priorities for the EU. A pioneer Thematic Workshop on "Elections, Violence and Conflict Prevention", organised by UNDP, International IDEA and the European Commission took place in Barcelona in March 2010. It was the ninth workshop organised in the context of the training initiative that the three partners initiated in 2005. Since then, new partners have joined through the Train4Development's Subgroup on Effective Electoral Assistance and the Global Training Platform, namely the Canadian International Development Agency (CIDA), the Organisation for American States (OAS), the International Organisation for Migration (IOM) and the Spanish Ministry of Foreign Affairs and Cooperation.

Electoral assistance is also very often an entry point for comprehensive democracy support and should be seen as complementary to other democratic governance interventions. It can provide an important opening for wider democracy support. Current electoral assistance programmes, for instance, often already include a media support pillar stimulating equal access to information and space for all parties and voices engaged in elections. They usually also aim at strengthening the participation of civil society via support to domestic observation and civic education. Efforts are ongoing to include parliamentary development more systematically in the context of electoral assistance efforts, thus helping to ensure that the dividend of democratic elections is realised



through strengthening of elected institutions. While there are a few examples of such complementary support (eg Tanzania and Pakistan), this is certainly not yet a common practice and needs therefore to be further encouraged.

## **Scaling up work with parliaments worldwide**

There is growing consensus that effective parliaments are of fundamental importance to democratic systems, which is also reflected in a number of recent EU policy documents and statements. A study was completed in 2010 on reviewing EU parliamentary support during the last decade in ACP countries, and developing practical guidance for future Parliamentary support efforts. This revealed a mixed picture of EU support to date. For the period 2000-09, with EU parliamentary development worth a bit more than €100 million and spread across about 30 countries, the study found that levels of EU funding had varied widely between projects, as had the quality of EU contributions. The study identified an imbalance in EU institutional strengthening, with activities focused towards executives at the expense of legislatures. It found that support had not fully reached the necessary levels to match the policy commitments of the EU in terms of democracy support, aid effectiveness and domestic accountability.

As part of the Assessment, field-based case studies were carried out in South Africa and Senegal. The South African example underlines the value of long-term, intensive EU engagement. The legislative sector approach used by South African national and provincial legislatures enables a common development agenda across national and sub-national legislative institutions. It is an innovative approach that offers a good practice example for other political systems with national and sub-national legislatures. The EU-supported South African legislative sector projects placed a strong emphasis on the representative functions of parliament and helped extensive participatory approaches to become institutionalised. In the current (2009-2013) third phase, support is provided through sector budget support and complementary support is currently been prepared to leverage some of the good South Africa legislative sector with other parliaments in the region.

## 4 EU action in international forums

### 4.1 *65th session of the UN General Assembly*

The Third Committee (Social, Humanitarian and Cultural Affairs) of the 65th session of the General Assembly formally began its work on 4 October 2010 and concluded on 23 November 2010. The Committee adopted 55 resolutions, 39 by consensus and 16 following a vote, confirming the polarization on certain issues.

The EU reached all its main objectives of the session, which was the first after the entry into force of the Lisbon Treaty. EU efforts were supported by two outreach campaigns both in New York and in third countries capitals, in support of the country resolutions and the resolution on a moratorium on the use of the death penalty. Considerable outreach was done as well on the theme of freedom of religion and belief. The EU intensified its coordination and consultations with other major groups and their human rights coordinators (African group, GRULAC Countries, JUSCANZ, OIC, NAM) with a view to overcoming misunderstandings and polarisation.

Four EU initiatives were successfully adopted by the Third Committee. The country resolutions on the human rights situation in DPRK (presented together with Japan) and Burma/Myanmar were adopted without any No-Action Motion and with increased numbers of votes in support, compared to the previous session. The resolution on Rights of the Child, which the EU presents jointly with the Group of Latin-American and Caribbean States (GRULAC), was adopted by consensus as during the 64th UNGA, and with important new co-sponsors like the U.S. and India. The resolution on the Elimination of all forms of intolerance and of Discrimination based on Religion or Belief was again this year adopted by consensus, although not without difficulties. Together with a cross regional coalition totalling 90 countries, the EU also tabled a new resolution on a moratorium on the use of the death penalty which was adopted with increased support, compared to the last resolution on this subject adopted by the GA (63 session of the GA). The proceedings leading to the adoption of this important initiative were also less polarised than in the past, which was a positive indication of greater readiness to discuss the death penalty in a human right context by all UN Member States. EU Member States also introduced nine resolutions in their national capacity, which were all adopted, mostly by consensus.

The EU supported the Canadian-sponsored resolution on human rights situation in Iran, which was adopted with an increased and comfortable margin compared to the previous year, whilst a no-action motion was resoundingly defeated. The OIC presented this year again its resolution on Combating Defamation of Religions. In engaging with OIC countries on freedom of religion and belief, and the fight against religious intolerance, the EU expressed continued concern at the notion of defamation of religion which is not relevant to the international human frameworks as human rights law protects individuals, not concepts. The OIC resolution was adopted again this year, but with a substantial decrease of votes, thus confirming a constant erosion of the support to this initiative.

The debate on discrimination based on sexual orientation, while less prominent than last year, remained a divisive issue and EU Member States and other likeminded countries lost the vote on an important amendment in this regard in the Nordic resolution on Extra-judiciary executions in the Third Committee. However, the EU, together with likeminded countries, was able to reverse this decision when the resolution was adopted in the plenary of the General Assembly (93 UN Member States voted to reintroduce the reference to sexual orientation, 55 against, with 27 abstentions). This vote marked an important turning point on this important question and injected new momentum in the campaign to end discrimination based on sexual orientation.

The EU was united on all votes but two. As during the previous session of the General Assembly, EU member States split between yes and abstention in the vote on the Non Aligned Movement resolution on the Right to Development. Likewise, the EU was unable to adopt a common position on the G-77 resolution on Global Efforts for the total elimination of Racism and Racial Discrimination, xenophobia, and related intolerance and the comprehensive implementation and follow up of the Durban Declaration and Program of Action.

## **4.2 The United Nations Human Rights Council (HRC)**

In the Human Rights Council, the year began with a **special session on Haiti**, entitled "The Support of the Human Rights Council to the Recovery Process in Haiti after the earthquake of January 12, 2010 : A Human Rights Approach", (27-28 January), organised at the request of Brazil and of 37 States only 15 days after the earthquake. On the occasion of the session, the EU stressed that the great impact that the humanitarian emergency had on the enjoyment of human rights by the people of Haiti. The EU also underlined the important role of the Independent Expert on Haiti and the Office of the High Commissioner for Human Rights in ensuring that the promotion and protection of human rights are at the heart of the reconstruction effort, recognising that avoiding discrimination in the distribution of aid, is essential for effective relief and sustainable recovery.

There were three **regular sessions** of the Human Rights Council, in March, June and September.

The **13th regular session of the Human Rights Council** took place 1-26 March 2010 and was preceded by a high-level segment attended by the First Deputy Prime Minister of Spain and by various EU Ministers. The session was the first since the entry into force of the Treaty of Lisbon. In the context of the transitional period for the implementation of the Treaty, the EU Delegation started undertaking specific tasks in the coordination and representation of the EU: it delivered all interventions on behalf of the EU during the Interactive Dialogues with Special Procedures and negotiated, on behalf of the EU, several draft resolutions.

The main focus of the session was the human rights situation in Iran - especially in view of the expected candidacy of Iran for the HRC - which was raised almost systematically by the EU during Interactive Dialogues and General Debates. The HRC adopted 27 resolutions, 19 of which without a vote. The EU introduced two country resolutions (on DPRK and Burma/Myanmar) aiming at the extension of the respective mandates holders for one year: both resolutions were successfully adopted. The EU also co-tabled a resolution on the rights of the child with GRULAC. The HRC adopted resolutions on the Democratic Republic of the Congo and Guinea which, in the EU's view, did not provide for adequate monitoring mechanisms on the situation on the ground. The HRC also adopted five resolutions on the situation in the Middle East, all by vote. The EU reached a common position on three of these resolutions (the ones on the Golan, on Israeli Settlements and on the right to self-determination of the Palestinian people). However, there was no common EU position on the other two resolutions, including the text on the follow-up to the Goldstone report, and EU Member States that are also members of the Human Rights Council showed diverging voting patterns. The EU disassociated itself from the consensus on an ambiguous procedural resolution on the *ad hoc* committee on the elaboration of complementary standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects. The EU continued to oppose the draft resolution introduced by the Organisation of the Islamic Conference on the concept of "defamation of religions"; this text was finally adopted by vote, but with significantly less support than in the past.

The **14<sup>th</sup> session of the Human Rights Council** (31 May-18 June 2010) ended with the approval of 18 resolutions. A key priority of the EU for this session was the initiation of a resolution on freedom of religion or belief, which was ultimately adopted by consensus. According to Pakistan and the Organisation of the Islamic Conference, the “adoption of this resolution was a success of the Council and demonstrated that whenever Member States were able to join hands, leaving behind political preferences, this served to promote the cause of human rights in the most comprehensive manner.” Other resolutions adopted were those on technical assistance and cooperation in the Kyrgyz Republic, on attacks on school children in Afghanistan and on assistance to Somalia in the field of human rights. During the session, the HRC adopted a resolution on the attack by Israeli forces against the humanitarian flotilla bound for Gaza in which it condemned the attack by Israeli forces which resulted in the killing and injuring of many innocent civilians from different countries, and decided to dispatch an independent international fact finding mission to investigate violations of international law resulting from the Israeli attack. The HRC adopted this last resolution by a vote. EU Member States that are also members of the HRC voted in different ways. The Independent expert on the situation of human rights in the Sudan was unable for medical reasons to present his last report during the session as originally scheduled. The HRC agreed on a technical extension of the mandate of the Independent Expert on the human rights situation in the Sudan until September (when the next session of the HRC will take place) to enable an interactive dialogue with him.

The human rights situation in Iran was highlighted in several statements of EU Member States and Norway delivered a cross-regional oral statement on the situation in Iran endorsed by more than 58 Member States and by the EU as such. During the general debate on country situations, the EU was criticised in turn for being responsible of human rights violations, such as discrimination based on racial and religious grounds, secret detentions and torture.

In its **15<sup>th</sup> session** (13 September - 1 October 2010), the HRC was able to create two very important new mandates, for a Special Rapporteur on freedom of association and a Group of Experts on discrimination against women in law and practice: both initiatives were fully supported by the EU. The HRC also decided to extend the mandates of the Special Rapporteur on the situation of human rights in Cambodia, of the Independent Expert on the situation of human rights in Haiti, of the Committee of Independent Experts on the Gaza conflict, of the Independent Expert on the situation of human rights in the Sudan and of the Independent Expert on the situation of human rights in Somalia. All the above issues reflected the main EU priorities to be achieved during the session.

During the same session, the HRC adopted two resolutions on the human rights situation in the Middle East. The HRC passed, by a vote, a resolution to follow-up to the report of the Independent International Fact-Finding Mission, which was established by the same Council to investigate violations of human rights law resulting from the Israeli attacks on the flotilla of ships. The HRC adopted a second resolution on the follow-up to the report of the Committee of Independent Experts in international humanitarian and human rights law on the Gaza conflict, also known as a "Goldstone report". The resolution was adopted by a vote. The U.S. voted against both resolutions, while the seven EU Member States that are also members of the Human Rights Council abstained.

On 28 November 2010, the HRC held a **special session on the situation of human rights in Cote d'Ivoire** since the elections. The EU welcomed the convening of this special session at the request of the African Group and countries from all regions and joined the call for this session. The EU expressed its grave concern about the massive human rights violations taking place in Cote d'Ivoire, including extrajudicial killings, enforced disappearances, arbitrary detentions, hate speech, sexual violence as well as interferences with non governmental media and abuse of governmental media channels for incitement to hatred. The EU also underlined the problem of the thousands of refugees who flee the violence.



During the year, the EU continuously strives to safeguard the **Universal Periodic Review (UPR)** process from any attempts to undermine its credibility and to uphold the ability of NGOs to participate in the process. Preliminary work on the **Review of the Human Rights Council** was well under way, starting with a retreat organised in Algiers (19-20 February). In May, Informal consultations began. The EU engaged actively with all partners and stakeholders in the negotiations, with the objective of improving the Council's capacity to address urgent human rights situations, to strengthen the role and impact of the Special procedures and the UPR. On the other hand, the EU was faced with the opposition of many countries belonging to the NAM group, the African group and the OIC to even discuss any proposal aimed at broadening the scope of the HRC's tools to address country situations.

Other significant events included the sixth session of the **High Level Task Force on the Implementation of the Right to Development** (14-22 January), a **Seminar on Economic, Social and Cultural Rights** (1-2 February), organised by OHCHR, in partnership with the Organisation Internationale de la Francophonie and UNESCO and in collaboration with the Observatory of diversity and cultural rights, the fourth **World Congress on the abolition of the death penalty** (24-26 February), the third session of the **Committee on the Rights of Persons with disabilities** (22-26 February), the ninth session of the **WG of Experts on People of African Descent** (12-16 April), the 11<sup>th</sup> Session of the **Working Group on the Right to Development** (26-30 April), the **Social Forum** (4-6 October), the eighth Session of the **Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action** (11-22 October), the **Forum on minority issues** (14-15 December). Discussions on an **Optional Protocol to the Convention on the Rights of the Child** also began.

### **4.3 The Council of Europe (CoE)**

2010 saw a further deepening of the cooperation between the EU and the Council of Europe (CoE), with intensified exchanges and strengthening of relations, including in the human rights area. The framework for their enhanced cooperation and political dialogue is the Memorandum of Understanding between the EU and the CoE, signed in 2007.

Following the entry into force of the Lisbon Treaty, one of the most important issues on the EU-CoE agenda is the EU's accession to the European Convention on Human Rights. On 4 June 2010 the Council adopted the decision authorising the Commission to negotiate the Accession Agreement of the EU to the Convention. In 2010 four negotiation sessions were held between the Commission and the "Informal working group on the accession of the EU to the European Convention on Human Rights (CDDH-UE)", which conducts the negotiations on behalf of the 47 Contracting Parties to the Convention.

Senior CoE officials, including the CoE Secretary General and the CoE Commissioner for Human Rights continued to meet regularly with the Commission President, the High Representative / Vice President, as well as other Commissioners. A number of high level European Commission officials visited Strasbourg in order to brief on various EU policies, including the Eastern Partnership initiative. The EU highly appreciates the work of the CoE Venice Commission and welcomes its role in advising on compatibility of legislation in the CoE member states with European standards and norms in the area of fundamental rights and freedoms. The EU has annual consultations on its enlargement package with the Council of Europe, involving around 60 of its experts and staff. The EU also holds regular consultations with the Council of Europe and its monitoring bodies during the preparation of the annual ENP Progress Reports. The EU has enjoyed good cooperation with the CoE Commissioner for Human Rights, notably with regard to the post-conflict situation in Georgia. The EU also appreciated the role of Secretary-General Jagland in solving the constitutional crisis in June 2010 in the Republic of Moldova.

The EU and CoE have implemented a number of joint programmes within the fields of rule of law, democracy and human rights<sup>26</sup>.

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<sup>26</sup> CoE doc DPA/Inf(2011)18add.

The EU and the Council of Europe continued to closely cooperate in the effort to abolish the death penalty worldwide, as illustrated by the publication of a joint declaration on the occasion of the international and European day against the death penalty on 10 October 2010.

The EU continues to be a major contributor to the CoE activities through financing of joint programmes and activities. The EU will continue to maintain close cooperation with the CoE in the areas of common interest, as set out in the Memorandum of Understanding. Since 2010, the EU has financed several CoE targeted projects via the Eastern Partnership Facility in order to enhance the reform processes in the Eastern Partnership countries and to bring them closer to the CoE and EU standards in core areas covered by Platform 1 of the Eastern Partnership (good governance and human rights).

#### ***4.4 The Organisation for Security and Cooperation in Europe (OSCE)***

The EU continued to support the OSCE's efforts in the human dimension as one of the pillars within the OSCE's comprehensive approach to security.

In view of the preparations of the OSCE Summit in Astana, the EU was particularly active in the OSCE review conference (Warsaw, September 2010 on the human dimension; Vienna, October 2010; and Astana, November 2010). The EU restated its position on the need to strengthen the OSCE capabilities in all three dimensions (politico-military; economic and environmental; and human) to promote early warning, conflict prevention and resolution, crisis management and post-conflict rehabilitation, including in relation to protracted conflicts. The EU put the emphasis on the need to improve implementation and follow-up of OSCE norms, principles and commitments with particular focus on the human dimension commitments, which cover fundamental freedoms, rule of law and democracy as well as tolerance and non-discrimination, and to pay increased attention to transnational threats in all three OSCE dimensions.

The EU participated in the seventh OSCE Summit of Heads of State and Government at Astana, Kazakhstan, in December 2010. The EU played a key role in ensuring that the Astana Summit Declaration reaffirmed “categorically and irrevocably that the commitments undertaken in the field of the human dimension are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned.”

Throughout the year, the EU continued to give priority to conflict prevention and resolution of protracted conflicts in Georgia, the Republic of Moldova and Nagorno-Karabakh, and supported the work of the OSCE field missions.

Throughout the year the EU supported strengthening the implementation of OSCE commitments in the human dimension, and advocated the strengthening of the office of the OSCE Representative on Freedom of the Media. The EU supported the essential work performed by the Office for Democratic Institutions and Human Rights, particularly with regard to its election related activities, as well as the activities of the High Commissioner on National Minorities and the Coordinator for Combating Trafficking in Human Beings. The EU continued to raise concern about the non-fulfilment of 'human dimension' commitments in the OSCE region, in particular with regard to media freedom, as well as attacks against journalists and other human rights defenders, notably through a number of statements at the OSCE Permanent Council.

The OSCE bodies are also involved in the annual consultations preparing the EU's annual "Enlargement package" (annual strategy document; progress report for the (potential) candidate countries and report on the readiness of new applicants to start negotiations on membership).

## 5 Country and regional issues

### 5.1 EU candidates and others

#### 5.1.1 Turkey

The EU continues to monitor the situation within the framework of the negotiating process, as well as through regular political dialogue of ministers and political directors. The latest EU assessment of the situation is based on the Commission's annual progress report, issued on 9 November 2010, which noted some progress, but identified a number of outstanding issues still needing reform.

The progress report noted that the number of rulings of the European Court of Human Rights (ECtHR) finding that Turkey had violated the ECHR continued to increase. The report also noted that a number of reforms had been outstanding for several years, and that legislation on human rights institutions needed to be brought fully in line with UN principles.

In September 2010, a package of constitutional amendments was approved in a referendum. On 14 December 2010 the Council of the EU stated that the amendment package was an important step in the right direction as it addressed a number of priorities of the Accession Partnership in the area of judiciary, fundamental rights and public administration, and that implementation in line with European standards would be key. The EU further emphasised that any future constitutional changes should be prepared through the broadest possible consultation, involving all political parties and civil society in a timely manner and in a spirit of dialogue and compromise. The EU encouraged Turkey to further improve the observance of fundamental rights and freedoms in law and in practice, in particular in the areas of freedom of expression and freedom of religion. The EU also noted a number of positive steps on civilian oversight of the security forces and implementation of the judicial reform strategy, but indicated that further progress is needed, *inter alia* as regards property rights, trade union rights, rights of persons belonging to minorities, women's and children's enjoyment of their human rights, anti-discrimination and gender equality, and the fight against torture and ill-treatment.

At the EU-Turkey Association Council on 19 April 2010, the EU stressed a similar range of issues. As concerns the East and Southeast, the EU regretted that the democratic opening announced by the government in August 2009 to address notably the Kurdish issue, fell short of expectations as few measures have been put into practice. In this context, the EU called on Turkey to amend the anti-terror legislation to avoid undue restrictions on the exercise of fundamental rights. A particular emphasis was put on the need of further legal amendments in order to ensure freedom of expression in line with the European Convention of Human Rights and the case law of the European Court of Human Rights. The EU expressed its deep concern about the arrests of journalists, the seizure of a draft book and the frequent closure of Web sites.

A total of €654 million of pre-accession financial assistance was earmarked for Turkey in 2010. In addition, Turkey has benefited from support for cross-border cooperation and a series of regional and horizontal programmes under IPA.

### **5.1.2 Western Balkans**

The European Perspective is the strongest driver of EU related reform in the Western Balkans region, including aligning to the EU's human rights policies. Respect for democratic principles, the rule of law, human rights and rights of persons belonging to minorities, fundamental freedoms and the principles of international law, full cooperation with the ICTY, as well as regional cooperation, are part of the conditionality of the Stabilisation and Association Process (SAP), the policy framework for the Western Balkans countries. At its centre are the Stabilisation and Association Agreements, with democratic principles and the protection of human rights being essential elements.

The latest EU assessment of the situation is based on the Commission's annual progress reports, issued on 9 November 2010. While the region overall moved closer to the EU in 2010, with progress in many areas, the reports identify the rule of law, especially corruption and organised crime, the strengthening of administrative capacities, the freedom of expression and the media as major challenges in the region.

The EU regularly discusses human rights issues with the countries of the region in various forums. EU assistance is provided through the Instrument for Pre-Accession Assistance (IPA) and is directed to short and medium-term priorities for further European integration. In 2010, the EU ran three CSDP missions in the region as well as three EUSR offices. The mandate of each operation stresses the importance of human rights and rule of law issues.

In the area of regional cooperation, supported by the EU, some of the regional initiatives are working towards strengthening respect for human rights.

The ICTY's mandate is to promote reconciliation by addressing past human rights violations. The EU supports the mandate by imposing an asset freeze on indicted fugitives and a travel ban on persons assisting ICTY indictees to evade justice.

On 14 December 2010 the Council of the EU stressed the importance of protection of all minorities and encouraged the Governments of the region to take the necessary action to address these issues.

### 5.1.3 Croatia

The EU maintained its close monitoring of human rights compliance in the framework of accession negotiations, as well as the Stabilisation and Association process. The 2010 Progress Report assessed that, as regards promotion and enforcement of human rights, the government continued to take various measures to raise public awareness of human rights issues. Enforcement of rights continued to be compromised by the persisting shortcomings in administration of justice, especially the length of proceedings.

At its meeting on 14 December 2010, the Council of the EU noted that Croatia had made encouraging progress in many areas, including the rule of law and the fight against high level corruption but required further efforts, including as regards judicial independence and efficiency, the fight against corruption at all levels, as well as in the fields of the rights of persons belonging to minorities, refugee return and war crimes trials.

The Commission's Interim Report on reforms in Croatia in the field of judiciary and fundamental rights of 2 March 2011 assessed that the general legal framework for the protection of human rights had been improved. Awareness raising of police, prosecutors and courts on human rights law had continued. Implementation of the strategy and action plan for the protection and integration of Roma was on-going. Freedom of expression should continue to be respected. Croatia had improved access to justice. Croatia had begun to establish a track record of implementation of the Anti-Discrimination Law and the Law on Hate Crimes. The Commission noted that Croatia would need to further strengthen the Office of the Ombudsman in particular through ensuring the planned additional staff members and budget increase, ensure proper follow-up of the Ombudsman's recommendations and make further progress in implementing the Anti-Discrimination Law and the Law on Hate Crimes.



At the seventh meeting of the EU-Croatia Association Council, on 29 April 2011, the EU reiterated similar messages, stressing that civil and political rights continued to be reasonably well respected in Croatia and legal protection for economic and social rights was partially guaranteed. The general legal framework for the protection of human rights had been improved. Croatia had improved access to justice. Croatia had begun to establish a track record of implementation of the anti-discrimination and hate crime legislation. The EU called on Croatia to make further progress in implementing anti-discrimination and hate crime legislation. Also, the EU invited Croatia to further strengthen the Office of the Ombudsman. Freedom of expression should continue to be respected. The EU underlined that implementation of women's and children's rights and the rights of the disabled needs to improve in practice. The EU encouraged Croatia to further improve access to justice and legal aid.

The financial assistance provided under IPA programmes amounted to about €154 million in 2010. Areas covered included institution building. A €2.4 million grant scheme was set up under IPA in 2010 for civil society development. In addition, Croatia continued to benefit from regional and horizontal programmes as well as a grant scheme for civil society development.

#### **5.1.4 former Yugoslav Republic of Macedonia**

The EU continued monitoring of implementation and promotion of human rights within the framework of the Stabilisation and Association Agreement, signed in 2001, and the Accession Partnership.

The latest EU assessment was issued in Commission's 2010 Enlargement Strategy Paper and annual Progress Report. The Commission noted that the country continues to fulfil its commitments under the Stabilisation and Association Agreement, and proposed transition to the second stage of the Association. The Council has not yet taken a position on the Commission's recommendation from October 2009 and 2010 to open negotiations.

The Commission assessed that the country continues to sufficiently fulfil the political criteria, and advised for further efforts in key reform areas such as independence of judiciary, reform of public administration and freedom of expression in the media. As regards the implementation of Ohrid Framework Agreement, as an integral part of the constitutional and legal order of the country and essential element for democracy and rule of law, the Commission noted some progress in implementing the law on languages, on decentralisation and equitable representation of non-majority ethnic communities. The Commission further noted that the legal and institutional framework of human rights and the protection of minorities is in place and these rights are broadly respected. It indicated, however, that existing legal guarantees need to be fully enforced.

The seventh meeting of the Stabilisation and Association Council of 27 July 2010 noted that the European Commission in its 2009 Enlargement Package had recommended opening of accession negotiations based on the assessment that the country had substantially addressed the key priorities of the Accession Partnership and sufficiently met the political criteria for EU membership. The SA Council took a note of the Government's dedication to continue with implementation of reforms of the judiciary, public administration, fight against corruption, economic reforms, and to advance the application of EU accession criteria and standards.

The EU financial assistance provided under IPA 2010 amounted to €36 million, with €11 million allocated under the political criteria. In 2010 EIDHR had an allocation of €600 000 for projects in the context of the Ohrid Framework Agreement; promoting non-discrimination; social inclusion and social rights including minorities and in particular Roma with explicit mainstreaming on rights of women, children and persons with disabilities.

### 5.1.5 Montenegro

The SAA EU-Montenegro entered into force on 1 May 2010, strengthening political dialogue, including on human rights. Human rights are part of the Commission's Opinion on membership applications as well as the post-opinion monitoring mechanism. Strengthening the rule of law, the fight against corruption and organised crime, enhancing media freedom and guaranteeing the legal status of displaced persons and ensure respect for their rights are key priorities for opening accession negotiations.

During the first SA Council on 14 June 2010, the EU stated that the institutional and legislative framework governing human rights and the respect for and protection of minorities, in accordance with the Copenhagen political criteria, was mostly in place, but that implementation of the existing legislation was not always satisfactory. The EU stressed that awareness of the judiciary about all aspects of human rights violations need to be improved and that Montenegro needs to ensure access to justice for all citizens as well as further progress on freedom of expression, fighting ill-treatment and torture.

The municipal elections held in May 2010 across two thirds of Montenegro were conducted in an orderly fashion.

In 2010 a total of €33.5 million was allocated under IPA, including for strengthening the rule of law, justice and police reform.

## 5.1.6 Albania

The political stalemate after the parliamentary elections on 28 June 2009 was not overcome during 2010. Consequently, there has been a lack of cross-cutting political dialogue in Parliament and reform has stalled.

Albania applied for EU membership on 28 April 2009. The European Commission issued its Opinion in November 2010, listing twelve key priorities to be addressed before accession negotiations can be opened, including on the need to reinforce the protection of human rights, notably for women, children and Roma minority, on the need to prepare, adopt and implement a national strategy and action plan on property rights, as well as the need to take additional measures to improve treatment of detainees in police stations, pre-trial detention and prisons. There are also shortfalls in respect of the rights of LGBT and disabled persons, though there is a nascent movement defending the rights of those groups.

Following consultations with human rights activists and stakeholders, the EU in Tirana adopted in April 2010 the local strategy for the implementation of the EU Guidelines on the protection of human rights defenders. In June the EU in Tirana adopted the local strategy for the implementation of the EU Guidelines on violence against women and girls and combating all forms of discrimination against them.

Following public expressions of homophobia in Spain, on behalf of the EU, issued in April a EU local statement against discrimination based on sexual orientation. On 1 November, the EU Delegation issued a statement on Albania's national human rights bodies, denouncing the negative impact of the country's political stalemate on the functioning of the Ombudsman institution.

During 2010, the EU provided significant financial assistance under IPA to Albania in areas with a distinct human rights dimension. In addition, funding has also been allocated to a range of civil society organisations implementing human rights-related projects in Albania.

### **5.1.7 Bosnia and Herzegovina**

The EU signed a Stabilisation and Association Agreement with Bosnia and Herzegovina (BiH) on 16 June 2008. The political situation in BiH has continued to deteriorate since then in light of increased nationalist rhetoric and pre-election campaigning for the elections in October 2010. The situation did not get better following the elections and at the end of the year the formation of a state level Government remained pending. As a result, BiH did not make progress in fulfilling its obligation under the SAA and the Interim Agreement to bring the Constitution into compliance with the ECHR.

The EU continued to monitor the respect for human rights and the rule of law within the framework of the Stabilisation and Association process. The EU continued to call for further progress in effective implementation of human rights provisions by domestic state institutions, and the implementation of relevant court rulings. Regarding the protection of minorities, the EU also noted that, despite some progress in implementing the action plans under the Roma strategy, the Roma minority continues to face very difficult living conditions and discrimination.

The EUSR in BiH has continued to promote a coherent and consistent approach in mainstreaming human rights. Similarly he has played a central role in supporting reforms in the rule of law sector.

Both CSDP missions in BiH, ie the EU Police Mission (EUPM) and Operation ALTHEA (EU-led force since 2007) have supported the rule of law and a safe and secure environment.

The EU allocated €98.4 million under the 2010 IPA programme. The main areas of assistance were social inclusion, cultural heritage, law enforcement, anti-corruption measures, the judiciary and public administration reform.

### **5.1.8 Serbia**

Serbia signed a Stabilisation and Association Agreement (SAA) with the EU on 29 April 2008. Following the positive assessment of Serbia's cooperation by the ICTY Chief Prosecutor, on 7 December 2009 the Council of the EU decided to unblock the Interim Agreement of the SAA (which subsequently entered into force on 1 February 2010). At the 14 June 2010 Council, Ministers agreed to submit the Stabilisation and Association Agreement to their parliaments for ratification.

On 22 December 2009 Serbia applied for accession to the EU. Subsequently, on 25 October 2010, the Council of the European Union requested the Commission to submit its opinion on this application. A questionnaire was handed over to Serbia on 24 November 2010. On 29 December 2010 Serbia adopted an Action Plan to focus its work in addressing the challenges identified in the Progress report.

The EU continued to review the human rights situation, including the situation of socially vulnerable groups and minorities in Serbia within the framework of the Stabilisation and Association process, on the basis of the European Partnership and through the Commission's annual progress report. Furthermore, the EU Delegation in Belgrade has been closely monitoring the situation of human rights in Serbia, including the rights of persons belonging to minorities, through various means such as field missions, as well as through regular dialogue with relevant stakeholders such as Civil Society Organisations and International Organisations, notably in the context of the preparation of the Opinion.

The annual EU-Serbia Ministerial political dialogue meeting (Troika) was held in Brussels on 26 January 2010. The EU and Serbia discussed the political situation in Serbia, EU-Serbia relations, political developments in the region, and energy security in the Western Balkans. The EU raised issues such as the reform of the rules of procedure of Parliament, general democratic reforms, judicial reform, and the fight against corruption and organised crime. The EU stressed that all reforms should be carried out in line with European standards.

Serbia's national IPA allocation for 2010 totalled €198 million. Financial assistance was directed to areas including strengthening the rule of law, human rights and education. A number of civil society initiatives are being supported under the national and regional IPA programmes as well as under the Civil Society Facility and by thematic financing instruments such as the European Initiative for Democratisation and Human Rights.

### **5.1.9 Kosovo (under UNSCR 1244)**

Kosovo benefits from and takes part in the EU's Stabilisation and Association Process, but since it is neither a member of the UN nor of the Council of Europe, cooperation with international human rights bodies is necessarily limited. The EU has therefore made it a particular priority to ensure full respect for human rights in Kosovo.

The EUSR in Kosovo has been stepping up his engagement promoting the protection of human rights and the rights of persons belonging to minorities (including the areas of decentralisation, education, cultural heritage, property rights and voluntary return). The EUSR has closely monitored the human rights condition of non-majority communities living in Kosovo, including the situation of the Roma community. The EUSR was the central point for the organisation of the monitoring of the December 2010 elections and followed closely in coordination with the other EU actors on the ground the whole political crisis that started with the resignation of President Sejdiu in October 2010 and ended with the election of the new President Jahjaga.

While maintaining a credible response to threats to security and public orders, EULEX Kosovo has decisively proceeded with the implementation of its core mandate by contributing to important judicial reforms and tackling sensitive judicial cases. EULEX efforts to strengthen the criminal chain of justice have also addressed the restructuring of the Kosovo police as well as the ongoing reform of correctional services. Dedicated jurisdictions attached to Supreme Court have also become operational in dealing with privatisation and property rights.

By upholding the operations of Mitrovica District Court and Prosecutor Office, the Mission has actively contributed to further restoration of Rule of Law in northern Kosovo.

The establishment of EULEX Kosovo Human Rights Review Panel mandated to review complaints from any person (other than mission personnel), presenting allegations of human rights violations by EULEX Kosovo is a clear demonstration that principles of accountability also applies to EULEX Kosovo. The Panel has started reviewing cases and some have passed the admissibility stage.

Kosovo benefits from EU assistance through the IPA, macro-financial assistance, 'Community Assistance for Reconstruction, Development and Stabilisation' (CARDS), the Instrument for Stability (IfS) and other sources of funding. €67.3 million was allocated in the IPA Annual Programme for 2010, including for strengthening the rule of law.



## **5.2 Countries of the European Neighbourhood Policy**

### **5.2.1 European Neighbourhood Policy**

The European Neighbourhood Policy (ENP) was developed in 2004, with the objective of avoiding the emergence of new dividing lines between the enlarged EU and its neighbours. In the framework of their ENP Action Plans partner countries agree to achieve closer political cooperation and dialogue on the basis of common values, ie respect for human rights and fundamental freedom, democracy, the rule of law, good governance and international law. The EEAS and the Commission take stock annually of the progress made by ENP countries in implementing their action plans, including in the field of human rights and democratisation.

### **5.2.2 Eastern Partnership (EaP)**

In 2010 the EU and its six EaP partners - Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine - continued advancing concrete activities in support of democratic reforms. Although a majority of initiatives in the field of the rule of law, good governance and respect for human rights have been primarily dealt with in the bilateral track of the EaP, the multilateral dimension has provided a useful environment to address these issues in a regional context.

The EaP Platform on Democracy, Good Governance and Stability established a Panel on the Fight against Corruption and took the decision to create two Panels on Reform of the Judiciary and Public Administration Reform.

The EaP Civil Society Forum, comprising some 230 Civil Society Organisations from EaP countries and EU Member States, provided civil society expertise on reform processes in partner countries. Its representatives participated in meetings of the EaP Panels and presented to the EaP Foreign Ministers in December 2010 recommendations on the implementation of the EaP.

### **5.2.3 South Caucasus (regional)**

The process of consolidating democratic governance and entrenching respect for human rights and the rule of law in the South Caucasus continued to proceed on an uneven trajectory. Inadequate political pluralism and media freedom, a generally weak rule of law, as well as the lack of dialogue, have continued to give the EU cause for concern, to varying degrees, in all three countries. During 2010 the EU therefore kept the human rights situation in all three countries under close review. The EU has continuously reiterated its expectation that their governments should do all they can to continue to strengthen democracy, through reforms of state institutions, and through maintenance of constructive dialogue with the opposition, to ensure broad-based support for institution building.

The mandate of the EUSR for the South Caucasus, Peter Semneby, contained specific provisions on human rights. Both he and the EUSR for the Crisis in Georgia, Pierre Morel, held regular discussions with their counterparts on human rights related issues during 2010.

### **5.2.4 Armenia**

The EU continued to encourage the Armenian authorities to take further steps in order to turn the full page on the events of 1-2 March 2008, following the Presidential election. Despite a gradual release in the second half of 2010 of a number of persons linked to these events, some opposition activists still remained in detention.

The EU continued to impress on the Armenian authorities the importance of holding an independent, transparent and credible investigation into the March 2008 events. A trial monitoring report by the Office for Democratic Institutions and Human Rights of the Organisation for the Security and Cooperation in Europe (OSCE-ODIHR) was published in March 2010 on the trials linked to the March 2008 events. The report identified several issues of serious concern, including the right of defendants to a fair trial and the right to liberty, and it set out a number of recommendations. Work to implement the recommendations of the report is ongoing, notably in the area of the reform of the judiciary. The EU continued to urge the authorities to increase efforts to investigate the events fully and prosecute individuals responsible for the ten deaths.

The second meeting of the EU-Armenia Human Rights Dialogue took place in Brussels in December 2010, preceded by a Civil Society seminar on the Fair Right to Trial. The dialogue was frank and open and the Armenian side demonstrated serious willingness to engage. Armenia expressed interest to conduct meetings of the Human Rights Dialogue on a biannual basis.

The EU continued to provide support to strengthening the institution of the Human Rights Defender's Office (HRDO), which continues to play a major role in monitoring the situation on human rights and fundamental freedoms in Armenia. In 2010, the HRDO produced *ad hoc* reports on the right to peaceful assembly and on the right of freedom of speech in Armenia.

In addition, the EU Advisory Group to the Republic of Armenia continued to provide support to Armenia's reform efforts, including those in the area of human rights and good governance.

## **5.2.5 Azerbaijan**

The EU paid considerable attention to human rights cases in Azerbaijan during 2010, making frequent public statements and elaborating on these in private talks with the Azerbaijani authorities.

On 8 November 2010 the High Representative issued a statement on the parliamentary elections in Azerbaijan. Despite efforts to take account of recommendations made by ODIHR (OSCE) and the Venice Commission (Council of Europe), the elections did not constitute meaningful progress in the democratic development of the country. Several shortcomings were observed in the course of the electoral process, including the high rejection rate of registration of opposition candidates and the restricted campaign environment, with intimidation of opposition candidates and their supporters. Changes in the electoral code in June 2010 meant a shortening of the election period, a reduction in the campaign period and abolition of state funding for candidates. Overall, these measures prevented the creation of a level playing field for all candidates.

The EU urged the Azerbaijani authorities to continue their efforts to honour their international commitments regarding democratic pluralism and media freedom. There remain several individual cases of concern. However, the release of the two young bloggers in November 2010 was positively noted. The overall situation of media in the country was characterised by lack of media pluralism and a pro-government bias of mainstream media outlets, harassment of and violence against journalists, questionable judicial proceedings against media representatives. A number of journalists remained in Azerbaijani jails, including Eynulla Fatullayev, whose release was called for in a judgment of the European Court of Human Rights in April 2010. (NB Fatullaev was finally released on 26 May 2011, after spending more than four years in prison).

In September 2010 the Cooperation Committee of Partnership and Cooperation Agreement formally established a subcommittee on Justice, Freedom and Security and Democracy and Human Rights; a first meeting took place in Baku 30 November-1 December.

## 5.2.6 Georgia

In 2010, the EU and Georgia agreed to move forward with deepening and broadening EU-Georgia relations within the Eastern Partnership framework. Negotiations on an EU-Georgia Association Agreement were launched in July 2010 and progressed at a good pace in the second half of 2010. As a result, in 2010 EU work on human rights was reinforced, with the creation of an active EU working group on human rights, the elaboration of a strategy for Human Rights Defenders and robust diplomatic and funding interventions.

The third EU-Georgia human rights dialogue, in place since 2009 was held in Tbilisi in July 2010 and had been preceded by civil society seminars on media and IDP's rights. The dialogue was open and constructive atmosphere and Georgian side demonstrated serious willingness to engage.

The EU continued to provide support to strengthening the Public Defender's Office (PDO), which continued to play a major role in monitoring the situation on human rights and fundamental freedoms in Georgia. The PDO is now a well recognised human rights institution and in 2010 continued its independent monitoring of human rights violations and issued concrete recommendations to authorities. EU funding continues in 2011 under the new 'Comprehensive Institutional Building' Programme'.

The EU supported the reforms of the electoral process and facilitated dialogue between the ruling and opposition parties. The EU has also continued to promote increased engagement and consultation processes between the Georgian authorities and non state actors.

Overall, Georgia made progress in the implementation of the ENP Action Plan priorities throughout 2010, especially in reforming the justice system, improving the conduct of elections, increasing women's rights, carrying out constitutional reform and curbing administrative corruption. Major challenges remain: political and media pluralism, judicial independence, poor detention conditions, prison overcrowding, rights of persons belonging to minorities, freedom of association, labour rights and standards.

The EU has been actively engaged in conflict resolution efforts in Georgia through the EU Monitoring Mission (EUMM). The EUMM's mandate, apart from stabilisation and normalisation, includes monitoring of humanitarian aspects, including the situation of IDPs and the population living in areas affected by the conflict. After the summer 2010 evictions of IDPs, and following international pressure, a moratorium was imposed and standard operating procedures were drafted and have been consequently applied (with some flaws detected). The EU, together with the OSCE and UN, continues co-chairing the Geneva talks.

### 5.2.7 Belarus

The human rights situation in Belarus remains concerning. Despite some initial signs of progress, 2010 turned out to be a disappointing year. The EU continued its policy of critical engagement which it had developed since the release of political prisoners in 2008.

Throughout 2010, there was continued harassment of representatives of independent media, civil society and opposition organisations, including restrictions on the freedoms of assembly, association, expression and religion, as well as continued difficulties with the registration of NGOs and opposition parties.

In February, the High Representative expressed concern over the arrest of 40 members of the Union of Poles and other civil society representatives, including the democratically elected chairperson of the Union, Ms Angelika Borys, in what appeared to be an attempt by the authorities to impose a new leadership on the Polish community.

In May, the EU Heads of Mission in Minsk made a statement to express concern about the respect for the freedom of expression and assembly with regard to raids made by the police on 20 premises connected with the civil society movement “Tell the Truth”, which campaigns on societal issues.

The setting up of local election commissions for the 25 April local elections raised questions on adequate representation of democratic and independent NGOs.

The electoral framework continued to contain serious shortcomings in relation to OSCE commitments and international standards, despite January 2010 amendments to the Electoral Code in order to address some long-standing OSCE / ODIHR recommendations.

The situation in the country deteriorated significantly following the violations of electoral standards in presidential elections on 19 December 2010 and subsequent crack-down on the opposition and civil society.

The December presidential elections failed to meet international standards and were marred by intimidation and violence. The ODIHR electoral observation mission observed ‘a lack of independence and impartiality of the election administration, an uneven playing field and a restrictive media environment, as well as a lack of transparency at key stages of the electoral process’.

The EU financed through the Instrument for Stability a domestic election monitoring project to enable observation of the elections by a network of local NGOs. This concluded that “although slight improvement over the previous presidential elections could be noted, the 2010 presidential elections in the Republic of Belarus were neither free nor democratic.”

There were reports that those detained following the election rally were subject to inhuman detention conditions below internationally recognised standards, denied access to medical and legal assistance, and deprived of regular contact with their families. There were also claims of torture, inhuman treatment and psychological pressure in the KGB detention centre. The High Representative strongly condemned the violence on election night, which saw the beating and detention of most presidential candidates and hundreds of citizens. She called for the immediate release of the presidential candidates and the over 600 demonstrators who have been taken into custody and condemned all violence, especially the disproportionate use of force against presidential candidates, political activists, representatives of civil society and journalists.



Belarus remains only country in Europe still applying capital punishment. The EU deplored the reported executions of two Belarusian citizens in March and called on Belarus to establish an immediate moratorium on the use of the death penalty with a view to its abolition. Two more death penalty verdicts have since been confirmed and one more case was been put before the court of appeal in December 2010.

In October, the Foreign Affairs Council decided to renew the restrictive measures against certain officials of Belarus for 12 months. At the same time, to encourage progress, the suspension of travel restrictions imposed on certain leading figures in Belarus, with the exception of those involved in the disappearances which occurred in 1999 and 2000 and of the President of the Central Electoral Commission, was also extended for the same time period.

### **5.2.8 Republic of Moldova**

In 2010, despite severe budget constraints and in the context of a protracted political crisis linked to the incapacity of the Parliament to gather the necessary majority to elect the President of the Republic, the Republic of Moldova managed to make progress towards compliance with democratic principles.

During the year the country engaged in two major polls: first, a referendum in September to introduce a system for electing the President by universal suffrage; second, following the failure of the referendum for lack of the voter turnout requirement, pre-term parliamentary elections in November. The international EOM, which was present throughout the process, concluded that the elections “met most OSCE and Council of Europe commitments”, but underlined also the need for further efforts “to strengthen public confidence in the democratic process”. An amendment to the Electoral Code modifying the mandate allocation method was strongly challenged by the parliamentary opposition. Nonetheless, the Secretary-General of the Council of Europe and the President of the Venice Commission noted that the amendment did “not appear as an obstacle to the holding of free and fair elections”.

In March 2010, as called for by the Cooperation Council of December 2009, the Republic of Moldova and the EU initiated a structured dialogue on human rights. This was complemented in October 2010 by informal expert meetings with the Moldova Government and representatives of the civil society, with the participation of OSCE, Council of Europe and UNDP representatives.

In September 2010 the government submitted a draft National Action Plan on Human Rights 2011-2014 to the Parliament. (This draft, following further consultations with stakeholders, was subsequently adopted in May 2011). The reform of the Centre for Human Rights (Ombudspersons) was initiated in order to ensure better compliance with the Paris principles.

The Moldovan government accepted responsibility for the instances of ill-treatment and torture reported during the post-election events of April 2009. Investigation of the alleged abuses progressed slowly and the conclusions of the ad-hoc parliamentary commission of inquiry were somewhat delayed. In parallel, the government set up a commission to identify and indemnify the victims which, in October 2010 provided compensation to 14 civilians and four policemen.

The execution of judgments of the European Court of Human Rights improved throughout the reporting period, but not all measures have yet been taken to address the systemic problems noted in the Court's decisions. Equally, the rights of lesbian, gay, bisexual and transgender (LGBT) persons continue to face severe challenges. A peaceful demonstration organised by LGBT groups supporting the adoption of anti-discrimination laws was prevented from taking place in Chisinau city centre by a court ruling in April.

During the second half of the year, the Republic of Moldova ratified the International Convention on the Rights of Persons with Disabilities. The following remain to be ratified: the Optional Protocol to the latter convention, the International Conventions for the Protection of All Persons from Enforced Disappearance and on the Rights of All Migrant Workers and Members of their Families, and the European Charter of Regional and Minority Languages. The Republic of Moldova continued to cooperate actively with the UN human rights mechanisms, and in June 2010 extended an open invitation to all UN special procedures.

Throughout 2010 the EUSR for the Republic of Moldova kept close contact with the Moldovan authorities, civil society and international organisations concerning the human rights situation in the country, including in the separatist Transnistrian region. One of his political advisers continued to serve as a human rights focal point, and another one made frequent stays in Tiraspol. The EUSR and the European Commission followed up very closely a number of particular cases and brought them up with the authorities in Chisinau and Tiraspol.

## 5.2.9 Ukraine

2010 saw a deterioration of respect for fundamental freedoms in Ukraine, notably as regards the freedom of the media and assembly and democratic standards. In October 2010 the EU expressed its concern regarding this trend in a statement to the European Parliament by the High Representative and the Commissioner for Enlargement and Neighbourhood Policy.

Corruption, the independence and impartiality of the judiciary, and the functioning of the court system remained areas of concern to the EU. There were also continued problems with the ill-treatment of detainees by law enforcement agencies; ensuring full respect for the principle of *non-refoulement* in the context of asylum-seekers and refugees; as well as incidents motivated by racism and xenophobia. An EU-Ukraine Ministerial meeting on Justice, Freedom and Security was held in Brussels on 9 June 2010. This restated a strong commitment to partnership based on shared values such as democracy, human rights, fundamental freedoms and the rule of law.

At the Cooperation Council meeting in Luxembourg on 15 June 2010, the EU welcomed Ukraine's commitment to political association and recalled the importance of political stability achieved through constitutional reform carried out in a transparent and inclusive manner. It encouraged Ukraine to continue consulting the Venice Commission in this process. It also urged Ukraine to pay particular attention to the fight against corruption and securing an independent judiciary.

The EU paid increased attention to implementation of the EU-Ukraine Association Agenda which contains a section on democracy, rule of law, human rights and fundamental freedoms. These issues were followed up in the framework of the subcommittee on Justice, Freedom and Security which met on 28 April, in Kyiv.

The EU-Ukraine Summit was held in Brussels on 22 November 2010. This discussed the issue of respect for human rights, fundamental freedoms, democratic values and the rule of law based on an independent and impartial judiciary. The leaders stressed in particular the importance of a free media. Following the October 2010 local elections and the critical assessments, they recalled the need for further strengthening of democratic development in Ukraine, in particular the electoral framework. The EU presented an Action Plan on Visa Liberalisation for Ukraine which also includes benchmarks related to fundamental freedoms relevant in the visa dialogue.

#### **5.2.10 Union for the Mediterranean (UfM)**

The Union for the Mediterranean was launched at a Summit in Paris on 13 July 2008, which underlined a commitment to strengthen democracy and political pluralism by the expansion of participation in political life and the embracing of all human rights and fundamental freedoms. The stated ambition of the UfM is to build a common future based on the full respect of democratic principles, human rights and fundamental freedoms, as enshrined in international human rights law, such as the promotion of economic, social, cultural, civil and political rights, strengthening the role of women, respect for minorities, the fight against racism and xenophobia, and the advancement of cultural dialogue and mutual understanding. To this end, the Division of Social and Civil Affairs within the Secretariat of the UfM focuses on the development of human affairs and civil protection, giving due attention to the people-to-people dimension, promoting better understanding and exchanges between societies and ensuring appropriate coordination of projects which contribute to fulfilling the objectives of the UfM in this field.

### 5.2.11 Egypt

The third meeting of the EU-Egypt Sub-Committee on 'Political Matters: Human Rights and Democracy – International and Regional Issues' was held in Brussels, 10-11 March 2010. The sides exchanged information on efforts to strengthen the culture of human rights and fundamental freedoms, in particular awareness building activities. Issues such as the fight against violence against women, rights of the child, freedom of expression, death penalty and the situation of the migrants on the Israeli boarder were discussed. The EU regretted the killing of Coptic Christians in Naga Hammadi in January and encouraged the Egyptian Government's efforts to diffuse religious tensions.

During 2010 the EU issued two statements on human rights issues regarding Egypt. On 28 June 2010 the EU heads of mission issued a local statement expressing concern about the circumstances of the death of Khaled Said, and welcomed the declared readiness of the Egyptian authorities to conduct a judicial inquiry into the death. On 12 May 2010 the High Representative made a statement regarding the prolongation of Egypt's state of emergency and noting Egypt's decision to limit the new State of Emergency to fighting terrorism and its financing and drug-related crimes. However, she strongly encouraged the Government to speed up the steps needed for the adoption of an counter-terrorism law compliant with international human rights standards as soon as possible, noting the Government's commitment to this goal in the EU/Egypt Action Plan and in other forums.

The EU welcomed the Egyptian Government's efforts to consult with civil society, during the Universal Periodic Review process. Although several recommendations were accepted including the elimination of Discrimination against Women, the fight against discrimination and violence against persons belonging to religious minorities , the promotion of rights of migrants, changing the definition of torture, strengthening its policy on the rights of the child, ensuring rights of persons with disabilities, consulting NGOs in drafting the new NGO law, combating trafficking in human beings and speeding up the adoption of anti-terrorism legislation while considering lifting the state of emergency; their implementation had yet to begin.

The EU encouraged Egypt to pursue efforts to promote and protect human rights, including releasing all administrative detainees, to take more steps to improve the state of freedom of expression and press freedom in accordance with international standards, to grant refugees access to international organisations and to guaranty fair trials to civilians.

The EU expressed its concern regarding sectarian violence clashes and called on the Egyptian Government to guarantee the freedom of religion or belief as a universal human right.

### **5.2.12 Israel**

As in previous years, the EU continued to voice its serious human rights concerns in the framework of relevant meetings provided for by the EU-Israel Association Agreement. These were an opportunity to discuss issues such as respect for human rights in regard to all population groups, rights of persons belonging to minorities, administrative detention (including with reference to individual cases), human right defenders and international humanitarian and human rights law.

The fourth meeting of the EU-Israel informal working group on human rights, on 2 September 2010, dealt in detail with a number of issues related to the situation in Israel. These included the legal status and economic position of Israeli minority groups and measures taken in the fight against discrimination. Several legislative proposals in the Knesset aimed at restricting freedom of association and the operations of NGOs and civil society at large were also discussed. Rights of the child, in particular as regards detention of children, were given significant attention during the discussions. Furthermore, several points were raised as issues of common concern by the Israeli side, notably rights of persons belonging to minorities in EU countries. The EU also reiterated the need for an appropriate follow-up of issues discussed in the previous meetings. Human rights issues were also raised with Israel in relation to occupied Palestinian territory (see Section 5.2.13).

The EU and Israel pursued their cooperation in supporting initiatives tackling anti-Semitism, racism and xenophobia. The third EU-Israel seminar against anti-Semitism, racism and xenophobia took place in April 2010. It discussed these issues of shared concern. The EU funded a project aiming to create a unified network of Holocaust archives, with the participation of 20 archives and research institutes from 13 countries in Europe, the United States and Israel. Strengthening the human rights dialogue between the EU and Israel is an essential part of the process of developing EU-Israel relations. In this perspective, the EU aims at establishing a subcommittee on human rights within the framework of the Association Agreement, replacing the current informal working group.

The EU is constantly engaged in ongoing consultation and dialogue with human rights organisations and supports activities related to human rights through the European Instrument for Democracy and Human Rights (EIDHR). A list of all ongoing EU-funded projects in the field of human rights is available on the website of the European Union Technical Assistance Office.

### **5.2.13 Occupied Palestinian Territory (OPT)**

The EU holds a regular dialogue on human rights issues with the Palestinian Authority (PA) within the framework of the European Neighbourhood Policy.

The second EU-PA subcommittee on Human Rights, Good Governance and Rule of Law was held in Brussels on 26 February 2010, during which there was a productive exchange on issues of mutual concern. The Independent Commission for Human Rights (ICHR) gave an overview of the human rights situation in the OPT, noting *inter alia* that the internal Palestinian political division had contributed to many human rights violations. The EU raised its concern regarding human rights violations including arbitrary detention, non-enforcement of court decisions as well as violations to the right of freedom of expression and assembly.



The EU recalled its strong and principled opposition to the death penalty in all circumstances. It commended the PA for its *de facto* moratorium and expressed hope the latter could be turned into a *de jure* moratorium. It regretted that death penalty sentences continued to be issued in the Gaza Strip. The EU commended the marked decrease in allegations of torture following instructions from Prime Minister Fayyad, but called for a formal prohibition of the use of torture.

Meanwhile, through its mission EUPOL COPPS, the EU continues to support the Palestinian Civil Police (PCP) in the elaboration of the basic training curriculum, including an emphasis on human rights training.

In another EU-funded project, the Torture Rehabilitation Centre (TRC) has trained members of different security services in anti-torture regulation and general human rights standards over the past two years.

In its overview of the human rights situation in the OPT, the Independent Commission for Human Rights made clear that human rights situation in the OPT suffered largely as a result of the Israeli military occupation. Accordingly the EU was also active in raising these issues of concern with the Israeli authorities.

The EU spoke out frequently in 2010 about the situation of human rights in the OPT, which continued to suffer setbacks. On various occasions the EU regretted settlement-related activity in the West Bank including East Jerusalem and recalled that it considers settlements and the demolition of homes as illegal under international law.

On 24 August 2010 the EU regretted the conviction of human rights defender Abdallah Abu Rahma, a human rights defender committed to non-violent protest against the route of the Israeli separation barrier through the West Bank village of Bil'in.

On 13 December 2010, the Council of the EU adopted Conclusions on the Middle East Peace Process expressing its concern about the prevailing situation in Gaza and reiterated its call for the immediate, sustained and unconditional opening of crossings.

The EU is constantly engaged in ongoing consultation and dialogue with human rights organisations and supports activities related to human rights through the European Instrument for Democracy and Human Rights (EIDHR). A list of all ongoing EU-funded projects in the field of human rights is available on the website of the EU Technical Assistance Office.

## 5.2.14 Jordan

The fifth meeting of the subcommittee on “human rights, governance and democracy” took place in Jordan in January 2010 and gave an opportunity to exchange views on issues of mutual interest and concern, and to take stock of progress made under the ENP Action Plan commitments in the relevant areas. Main topics raised included freedom of the media, of expression, of association, equal treatment of women, eradication of torture, etc.

The EU continued to encourage the Government to advance the home grown reform agenda. The administrative dependence of the judiciary on the government needs to be phased out. The 2009 Societies' Law remains a matter of concern and has to be brought in line with international standards regarding registration, dissolution and funding of NGOs. Government promises of more media freedoms had not materialised as the authorities and security services continued to interfere in the media. Online media and blogs have played an increasingly positive role towards freedom of expression. Following criticism from international and domestic activists, the temporary “Cyber Crimes Law” was amended by removing the provisions restricting the freedom of online media. Government introduced positive amendments to Penal Code aimed at increasing penalties for honour crimes perpetrators. Protection against domestic violence and women's rights were enhanced through the temporary Personal Status Law. Jordan continued to apply a *de facto* moratorium on executions. Jordanian law prohibits torture and ill-treatment and the ICRC and NCHR were allowed to visit detention centres; however, international NGOs reported some cases in police and security detention centres. The UN Committee as well as the UN Special Rapporteur against torture raised concerns about absence of an independent complaint mechanism and legal safeguards. The fight against corruption remained a matter of concern, needing to be stepped up.

The temporary Elections Law adopted in May 2010 improved certain electoral processes, yet further reform is needed so as to ensure pluralistic political representation, fairness and transparency. Parliamentary elections took place early November 2010, exactly a year later after King Abdullah had dissolved Parliament.

### 5.2.15 Lebanon

The third meeting of the Sub-Committee on Human Rights, Governance and Democracy, was held on 3 May 2010 in Beirut. The Association Council in June provided an additional opportunity for discussion concerning reforms envisaged in the EU-Lebanon ENP Action Plan.

EU election observation missions in 2005 and 2009 identified several recommendations to align with international standards. Municipal elections in June 2010 were carried out smoothly, though without incorporating needed reforms. A government ministry declaration envisaged the completion of the election law for the 2013 national elections by September 2011. It is reported that a ministerial draft law, building upon previous recommendations, has been prepared. The EU has assigned €2 million to support the electoral reform in Lebanon ahead of the 2013 elections.

The EU continued to encourage Lebanon to reform its judicial sector and reinforce its independence. The EU repeatedly urged Lebanon to translate its *de facto* moratorium on death penalty into its full abolition.

The EU continued to call on Lebanon to improve the situation of Palestinian refugees, especially with regard to their right to work and to own, inherit and register property. Legislative amendments of the labour law introduced in 2010 are encouraging, but require effective implementation. Further progress to register refugees without IDs was welcomed.

Towards the end of the year controversy over the Special Tribunal for Lebanon led to an institutional paralysis and limited the progress in Lebanon's reform agenda.

In the same period, Lebanon had its turn to undergo Universal Periodic Review by the UN Human Rights Council. Lebanon agreed to several important recommendations, eg criminalising all forms of torture and ill-treatment, but rejected key recommendations concerning the rights of women, migrants and the abolition of the death penalty.

A draft of a National Action Plan for Human Rights was presented on 13 December 2010; however 4 key reports have not been published.

Civil society organisations noted that despite its prohibition in the Lebanese penal code arbitrary detention was common. The deplorable situation of prisons is a concern. Currently around 70 % of inmates are waiting to be tried or have even finished their sentence.

### **5.2.16 Syria**

Widespread violations of human rights continued in Syria in 2010. Emergency laws continued to be used to justify violations of freedom of expression and association and other civil and political rights, enforced disappearance, prisoner abuse, travel bans, arbitrary arrest and unfair trials. Human rights defenders remained vulnerable to harassment, including demands from the security services not to associate with foreign diplomats monitoring the human rights situation in Syria.

Faced with this deteriorating human rights situation in Syria, the EU has urged the Syrian authorities to change course. In particular, the EU has regularly raised the cases of three prominent human rights defenders with the Syrian authorities: Mr Haytham al Maleh, Mr Muhammad Al Hassani and Mr Ali Abdullah. Personal messages were also delivered to President Assad, notably on the case of the veteran of Syrian human defenders, Haytham Al-Maleh. On 27 July, the High Representative issued a statement on behalf of the EU urging the authorities to release the above three prisoners in particular and all political prisoners held in Syria, recalling Syria's commitments under international law. The Syrian authorities rejected the EU's call on the grounds of interference in their internal affairs and the EU's perceived double standards on human rights.

Syria continued to withhold its reply to the EU's invitation to sign the EU-Syria Association, pending since October 2009, on the grounds that the authorities claimed to be examining the political and economic consequences of the Agreement. Grievances at the EU's approach to human rights were also a factor of Syria's hesitation. The absence of an Association agreement, and the dialogue mechanism associated with it, deprived the EU and Syria of a regular and stable framework to discuss concerns over human rights and democracy.

The preparation of two key EU-funded projects started in 2010. A first one, worth a total of €5 million, aimed at reforming and modernising the Syrian judiciary system. The second, for the same amount, aimed at strengthening the capacity of Civil Society Organisations.

### 5.2.17 Tunisia

The promotion of respect for human rights remained the central objective of structured dialogue between the EU and Tunisia. Political developments in Tunisia and questions related to human rights were discussed during the eighth meeting of the Association Council between the EU and Tunisia, which was held in Brussels on 12 May 2010. During this meeting, the EU and Tunisia agreed to set up an *ad hoc* group to work on a roadmap towards giving Tunisia advanced status according to the terms of the European Neighbourhood Policy. The third meeting of the subcommittee on human rights and democracy, originally scheduled for December 2009, was held on 25 February 2010.

The EU used its dialogue with Tunisia to raise specific issues concerning the lack of fundamental freedoms, more specifically concerning attacks against human rights defenders, and allegations about the implementation of the legal and procedural rules with regard to trials, conditions of detention and treatment of prisoners. The EU also took note of reports raising concerns about the lack of respect for the freedom of expression and of the media and for the freedom of association. Access to independent information sources was hardly possible in 2010 and NGOs active in the defence of human rights were often confronted with various obstacles to their work, especially after the entry into force of an amendment to the penal code.

Following a period of political stagnation, a spontaneous popular uprising started in December 2010, based on strong popular resentment against the regime and the impoverishment of rural areas.

## 5.2.18 Algeria

Since the entry into force of the EU-Algeria Association Agreement in September 2005, this has been the framework for the dialogue on issues of human rights and democracy. The fifth meeting of the EU-Algeria Association Council, held in Luxembourg on 15 June 2009, was the occasion for the EU to suggest deepening this dialogue. The EU and Algeria agreed to the creation of an EU-Algeria sub-committee on Political Dialogue, Security and Human Rights, for which the final procedures are ongoing. A first subcommittee meeting was planned for the second half of 2011.

Algeria faces terrorist acts of the Al Qaeda in the Islamic Maghreb (AQIM). The situation in the Sahel region, as well as the crisis in Libya at the beginning of 2011, reinforced Algerian fears of security threats. The EU expressed its concern that security measures should not lead to restrictions on fundamental rights. Following incidents in 2010, the EU followed closely the situation concerning the freedom of religion and conscience.

Following the presidential elections of April 2009 the political situation in the country remained unchanged. Algerian authorities lifted emergency rule at the beginning of 2011 and committed to socio-economic reforms. President Bouteflika announced a consultation process on the Constitution, political parties, associations and the media. Despite having fundamental institutions and constitutional procedures in place, a need remained for considerable evolution in the political system to permit true participation by the citizens and civil society.



## 5.2.19 Morocco

The first EU-Morocco Summit after the entry into force of the Lisbon Treaty was held in Granada on 7 March 2010 and the work initiated to bring Morocco's legislative framework closer to that of the EU *acquis* was welcomed by both parties. The ninth meeting of the EU-Morocco Association Council was held in Brussels on 13 December 2010. The fifth meeting of the EU-Morocco subcommittee on human rights, democratisation and governance was held in Rabat on 11 October 2010 on the eve of negotiations on the new Action Plan for Morocco's 'advanced status'. The meeting covered the functioning of the judicial system, as well as the fostering of human rights and fundamental freedoms. Progress achieved on topics relating to the rule of law was also presented by Morocco. The EU used this occasion to recognise commitments undertaken to consolidate human rights and extend the scope of individual freedoms. It nevertheless stressed the need that these commitments, including in the field of women's rights and the reform of the justice, be implemented in a timely manner. It also raised concerns about the situation of freedom of association and freedom of expression. Finally, the EU welcomed the finalisation of the national Action Plan on democracy and human rights and looked forward to its implementation.

A meeting which was aimed at setting up the EU-Morocco Joint Parliamentary Committee was held in May 2010. The EU has again supported the work of the Justice and Reconciliation Commission, which is aimed at establishing a new culture of respect for human rights. The EU has also encouraged Morocco to pursue vigorous reform of the justice system.

The EU reiterated its attachment to consolidation of the freedom of speech and unrestricted freedom of the press. In this context, the EU welcomed the seminar organised in September 2010 in the framework of the EIDHR and congratulated Morocco on the national dialogue on media and society launched at the beginning of 2010. The EU encouraged Morocco to pursue the reforms in this field and to adopt a new press code. It also urged Morocco to apply without restrictions the law on the freedom of association and of assembly, and to protect human rights defenders, particularly in Western Sahara.

### **5.2.20 Western Sahara**

The EU continued to follow the Western Sahara issue in its dialogue with both Morocco and Algeria, particularly with regard to humanitarian issues linked to the conflict. The EU attaches great importance to improving the human rights situation in Western Sahara, where problems persisted relating to the freedom of expression and assembly. The EU fully supports the commitment of the UN Secretary-General and his Personal Envoy to the question of Western Sahara, and has called upon the parties to continue negotiations under the auspices of the UN with a view to finding a just, lasting and mutually acceptable political solution.

### **5.2.21 Libya**

In the framework of its dialogue with the Libyan authorities in 2010, the EU raised concerns about the human rights situation, especially in the areas of torture, freedom of press, freedom of association, rights of persons belonging to minorities and the human rights of women.

Following the EU's decision of November 2008 to open negotiations with Libya on a framework agreement, nine rounds of negotiations were held in 2010. This aim of this agreement was to have been to provide an opportunity for stepping up political dialogue between EU and Libya. Respect for human rights and democratic principles were due to constitute essential elements of the agreement. Furthermore, the agreement was to provide for cooperation in respecting and enhancing human rights, developing and consolidating the democratic institutions, good governance and the rule of law. (Shortly after the end of the reporting period, however, following the regime's brutal repression and attacks against civilians, and considering the negotiation track exhausted, on 22 February 2011 the EU decided to suspend negotiations on the EU-Libya Framework Agreement).

## **5.3 *Russia and Central Asia***

### **5.3.1 *Russia***

Human rights continued to feature at all levels of the political dialogue between the EU and Russia. The EU restated the fundamental importance it attaches to the respect for human rights and the rule of law in the context of its strategic bilateral relationship with the Russian Federation, not least in the face of the continued restrictions on the freedom of assembly, as well as the challenging working environment for human rights defenders and the high number of human rights violations in the North Caucasus. The EU continued to follow the developments in the rule of law area, notably the investigation into the deaths of Sergei Magnitsky, Natalia Estemirova and Anna Politovskaïa.

The EU welcomed the numerous calls by President Medvedev to improve the functioning of the judiciary and law enforcement bodies, as well as efforts to support the work of civil society through the Presidential Council for civil society and human rights. The EU noted remaining challenges, for example in the working of the electoral system, and stressed consistently its readiness to cooperate with the Russian authorities, notably in the framework of the Partnership for Modernisation.

The EU completed, in consultation with the European Parliament and civil society, an evaluation of the EU-Russia human rights consultations, five years after they had been initiated (2005-2009). The report identified a number of recommendations to improve their output and their link to wider EU-Russia relations, including in the multilateral framework. In doing so, the EU took into account the concerns expressed over the last years by a number of stakeholders (NGOs, the European Parliament) on the paucity of results from the consultations. To this end, the EU would like Russia to agree to on a number of changes to the modalities of the consultations, initially agreed at the EU-Russia Summit in The Hague, back in November 2004.

The bi-annual human rights consultations were held in Brussels in April and in November 2010. The consultations gave both sides the opportunity to express concerns and discuss and exchange best practice notably on the fight against discrimination, racism and xenophobia; the functioning of the judiciary and the reform of law enforcement agencies; human rights of women; freedom of expression, association and assembly and the role of human rights defenders. The EU had the opportunity to voice its serious concerns in a number of areas, including in relation to the human rights situation in the North Caucasus, and to present a list of individual cases of concern to the Russian authorities. The Russian Federation also highlighted a number of issues of concerns it had on the human rights situation in a number of EU member states, for example on the rights of Roma and Sinti.

As usual, the EU met representatives of international and Russian NGOs prior to the consultations, in Moscow and in Brussels, so as to incorporate the views of civil society. The European Parliament was also closely associated with the preparations of the consultations and was debriefed on their outcome.

Human rights are a standing item at EU-Russia Summits, and were prominently raised at both Summits in 2010, in Rostov-on-Don (1 June) and Brussels (7 December), where the EU called on Russia to respect its international human rights obligations and raised also a number of high-level cases of concern to the EU. Human rights were also discussed at length during the Freedom, Security and Justice Permanent Partnership Council, which took place in Brussels in November.

Throughout 2010 the EU voiced its concerns publicly on a number of developments in the Russian Federation which highlighted the necessity to guarantee effectively the respect for freedom of expression in Russia, in line with her multilateral obligations, notably as Party to the European Convention of Human Rights and Fundamental Freedoms and as Participating State in the OSCE.

The European Union condemned the brutal attack on Russian journalist Oleg Kashin of Kommersant on 6 November 2010, and on the activist for the preservation of the Khimki forest Konstantin Fetissov on 4 November 2010. These attacks happened whereas the EU witnessed a highly worrying trend of violence, intimidation and insecurity faced by journalists, bloggers and activists in the Russian Federation. The EU took the opportunity of the human rights consultations to urge the Russian authorities to thoroughly and effectively investigate these as well as other cases of aggression against journalists and human rights defenders, to do everything in their power to ensure their protection, and to bring those responsible to justice.

Regarding the rule of law, the EU followed closely the proceedings against former owner of the oil company YUKOS, Mikhail Khodorkovskii, and his business associate, Platon Lebedev. In December the EU expressed its concern and disappointment further to the allegations of irregularities in the proceedings, and urged Russia to respect judicial independence and the right of each and every citizen to a fair trial, as enshrined in the European Convention on Human Rights, to which Russia is a party.

On cooperation in international forums, the EU welcomed the positive vote of Russia on the UNGA resolution calling for on a moratorium on the death penalty. In February, the EU welcomed the ratification of Protocol 14 to the European Convention on Human Rights by the Russian Federation, which allowed its entry into force. The application of Protocol 14 will reinforce the Convention and make the European Court of Human Rights more effective and efficient, thereby strengthening its crucial role in the protection of human rights in Europe. Both sides continued to discuss how to strengthen their cooperation, in light of their still diverging views notably on the role and functioning of the UN Human Rights Council or on the scope of the work of the Council of Europe or the OSCE/ODIHR.

### **5.3.2 Central Asia (regional)**

Since its adoption by the European Council on 21-22 June 2007, the 'EU Strategy for a New Partnership with Central Asia' has provided the framework for EU relations with Central Asia. The Strategy recognises that human rights, the rule of law, good governance and democratisation underpin the long term political stability and economic development of Central Asia. Human rights issues have therefore been raised with each Central Asian state through different channels, including the EU-Central Asia ministerial meeting in Tashkent (Uzbekistan) on 7 April 2010.

In line with the Strategy, the EU has established structured human rights dialogues with all countries of the region. These have sometimes been difficult, but have allowed for discussion of all issues of concern, including individual cases. There has generally been interest in exploring the scope for practical cooperation in sharing EU experiences in dealing with human rights and democracy issues. The dialogues are prepared in close consultation with local and international civil society. Civil society input has also been sought through seminars that the EU organised with four of the Central Asian countries<sup>27</sup>. These addressed international standards, European best practice, national laws and their practical application. They provided an opportunity for exchanges of views between European and Central Asia civil society representatives, academics and state officials. They generally resulted in the development of detailed recommendations on legislative and practical changes needed in order to ensure full compliance with international and national standards, which were then presented to officials. Follow up to the dialogues and seminars has been provided by contacts between the national authorities and EU Delegations, as well as through the funding of projects, including under the European Instrument for Democracy and Human Rights.

Bilateral cooperation programmes and projects of direct relevance to human rights have also been developed with the Central Asian states at national level. In particular, the EU has supported reform of the judicial and prison systems, as well as human rights awareness raising and capacity building. In line with the Strategy, activities under the regional Rule of Law initiative for Central Asia also continued throughout 2010<sup>28</sup>.

The EU has continued to raise human rights issues throughout its political dialogue with the countries of the region, notably in the course of its Cooperation Council and Cooperation Committee meetings, as well as in other formats. A number of bilateral démarches have been carried out with the countries in the region on issues of human rights concern.

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<sup>27</sup> [http://eeas.europa.eu/human\\_rights/dialogues/civil\\_society](http://eeas.europa.eu/human_rights/dialogues/civil_society)

<sup>28</sup> [http://eeas.europa.eu/central\\_asia/docs/factsheet\\_law\\_en.pdf](http://eeas.europa.eu/central_asia/docs/factsheet_law_en.pdf)

Contributing to the implementation of the EU human rights policy is part of the mandate of the EUSR for Central Asia, Pierre Morel, who continued to raise human rights issues during his visits to the region and in his bilateral contacts. The EUSR proved to be well suited for passing EU messages to the highest levels of political leadership in the region, including to Presidents, Prime Ministers and Foreign Ministers.

Through dialogue and joint projects, the EU cooperated closely with the OSCE, the Council of Europe, the UN and the UN High Commissioner for Human Rights, in particular its regional Office in Bishkek.

### **5.3.3 Kazakhstan**

The EU has continued to call on the Kazakhstan authorities to implement further political reforms, especially as regards the freedom of assembly, freedom of belief, the role of civil society and NGOs, the situation of political opposition and freedom of media. The third session of the EU-Kazakhstan human rights dialogue was held in Astana on 14 December 2010. The 11th EU-Kazakhstan Cooperation Council, which took place in November 2009, underlined the joint decision to upgrade EU-Kazakhstan relations by negotiating a new Partnership and Cooperation Agreement. The joint declaration endorsed by the Cooperation Council outlined that “closer and stronger bilateral ties must go hand in hand with adherence to the common values of democracy, rule of law and respect for human rights”. In addition, the EU Delegation in Kazakhstan has held monthly tripartite meetings, bringing together national authorities and local NGOs.



### 5.3.4 Kyrgyz Republic

The EU used the 11th Cooperation Council, on 23 February 2010 to express its concern at developments in the Kyrgyz Republic, especially in the area of media freedom and the freedom of assembly. It urged the Kyrgyz authorities to improve the human rights situation, particularly by putting an end to arbitrary arrests in the south of the country, addressing lack of due process rules, and easing pressure against judges and defence lawyers. Following the last round of the EU-Kyrgyz Republic human rights dialogue in Brussels (13 October 2009), the EU continued to raise its concerns at the number of attacks on politically active Kyrgyz journalists and other human rights defenders including Mr Azimjan Askarov. The EU welcomed ratification by the Kyrgyz Republic of the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

After the change of regime in April 2010, a new Constitution establishing a semi-parliamentary regime was approved by referendum. Legislative elections held in October 2010 were widely considered to represent the first truly competitive elections since independence. A new coalition government of three parties was formed on 15 December 2010.

On the other hand, the instability prompted by the violent regime change in the Kyrgyz Republic led to a wave of very serious inter-ethnic violence in June, in which many hundreds died, and thousands of others were displaced from their homes, with continued sporadic episodes. Despite the commitment of the new authorities to uphold human rights, they were unable to prevent this violence and there were continuing reports of harassment of human rights defenders, abuse by law enforcement officers, discrimination against Uzbek minorities and weak enforcement of the right to a fair trial.

The EU expressed its support to the establishment of a democratic constitutional framework and the rule of law in the country, urged the Kyrgyz authorities to promote inter-ethnic reconciliation and to improve the human rights situation. Reform of the judiciary, conflict prevention activities, fostering reconciliation between communities are part of ongoing and planned EU assistance to the country.

### **5.3.5 Tajikistan**

Human rights issues were discussed during the first EU-Tajikistan Cooperation Council held on 13 December 2010 in Brussels. The EU underlined that human rights and fundamental freedoms, including freedom of expression and of religion, are essential elements in the bilateral relationship with Tajikistan. The second EU Central Asia Rule of Law Ministerial Conference took place in Dushanbe on 14-15 June 2010. Among other things, the Conference touched upon issues related to the right to a fair trial and independence of the judiciary in Tajikistan. The EU - Central Asia civil society seminar on the human rights of women took place on 21-24 June 2010 in Brussels. It was attended by a group of civil society representatives from Tajikistan who shared their views on such topics as domestic violence, women's access to education and resources, and the place of women in conflict.

### **5.3.6 Turkmenistan**

The EU continued to monitor closely the human rights situation in Turkmenistan and consistently raised its continued concern with regards to a number of issues in the course of its bilateral dialogue, including during the EU-Turkmenistan Human Rights Dialogue.

On 28 April 2010, in the framework of the regular EU-Central Asia meeting at the level of Foreign Ministers, a bilateral meeting took place with Turkmenistan. It was an opportunity for the EU to encourage Turkmenistan to take effective steps towards implementing a number of announced reform steps, including plans for legislative changes with regard to the judiciary system and mass media, plans to reform the penitentiary system as well as the intention to establish a multi-party system. The EU expressed the hope that the latter step would be accompanied by further legislative changes, including the adoption of the law on the political parties and freedom of assembly. The EU took note of the agreement of the authorities to invite the UN Special Rapporteur on the right to education and it strongly encouraged the Turkmen authorities to issue similar invitations to other UN Special procedures who had requested access to country. The EU recalled that the entry into force of the EU-Turkmenistan Interim Trade Agreement comes together with a strong call for progress on certain critical human rights issues. In this regard, the European Parliament has highlighted the need for prisoners detained on the basis of their political opinion to be unconditionally released; the removal of all obstacles to free travel and to free access for independent monitors, including the International Red Cross; further improvements in civil liberties, including for non-governmental organisations; and the need to implement reforms at all levels and in all areas of the administration.

On 18 June 2010, the EU and Turkmenistan held the third round of their human rights dialogue in Ashgabat. The EU addressed the human rights situation in Turkmenistan with a particular focus on the functioning of civil society, freedom of the media, freedom of thought and religion, freedom of movement / forced displacement, and judiciary reform. The EU also raised specific concerns related to the independence of the judiciary, freedom of expression, association and assembly, prison conditions and torture. At the June dialogue, the Turkmen side accepted a list of individual human rights cases handed over by the EU side and agreed to respond in writing; at the time of writing, however, no response had been received.

### 5.3.7 Uzbekistan

The fourth round of the EU-Uzbekistan human rights dialogue took place on 5 May 2010 in the framework of the 'Subcommittee on Justice and Home Affairs, Human Rights and Related Issues'. The EU raised various individual cases, as well as a wide range of concerns about the human rights situation in Uzbekistan, including the freedom of expression, prison conditions and access, freedom of religion, development of civil society and reform of the judiciary. In this context the EU also broached the question of a cooperation with the Special Rapporteur on torture and an invitation to an ILO commission to watch over the progress made on the implementation of ILO conventions 138 and 182 against child labour.

Uzbekistan showed interest in cooperation programmes with the EU in a number of areas under discussion, eg judiciary reform, treatment of life / long-term convicts further to the abolition of the death penalty, implementation of habeas corpus, improvement of prison conditions, application by the courts of international human rights norms, Ombudsman's activities, and UPR recommendations.

The EU committed to closely and continuously observe the human rights situation in Uzbekistan, and raised a wide range of concerns with Uzbekistan during EU-Central Asia Ministerial meeting on 28 April 2010. On the occasion of the Cooperation Committee on 1 July, Uzbekistan recognised the importance of its structured dialogue on human rights with the EU.

Uzbekistan provided two reports in 2010 (on CEDAW and the International Covenant on Civil and Political Rights, and was preparing two more: on the Convention on the rights of the child, and the International Covenant on Economic, Social and Cultural rights. According to Uzbek authorities, the ICRC made over 30 visits to Uzbekistan in 2010.

The EU nonetheless expressed continuing concern at the human rights situation in Uzbekistan, and called for the release of all imprisoned human rights defenders and prisoners of conscience; the unimpeded operation of non-governmental organisations throughout Uzbekistan; full cooperation with all relevant UN Special Rapporteurs; guaranteed freedom of speech and the media; and implementation of conventions against child labour.

## **5.4 Africa**

### **5.4.1 African Union**

The AU-EU human rights dialogue, initiated in 2008, continued to provide an important forum for exchanges on respective efforts to promote human rights and democracy. Two meetings took place in 2010, in Brussels and in Addis Ababa, focusing on issues such as the AU-EU cooperation in the UN, including the Human Rights Council, death penalty, freedom of expression and association, human rights of women and the UN Security Council Resolution 1325 on women, peace and security, right to development, fight against discrimination (including LGBT) as well as rights of migrants, asylum seekers and refugees.

The second AU-EU civil society seminar on human rights took place in Addis Ababa on 18-19 October 2010. The recommendations related to two main areas: the UNSC resolution 1325 on women, peace and security as well as the human rights of migrants and refugees. As a result the EU and the AU agreed, during the human rights dialogue, to take action on the civil society's recommendations, including the organisation of joint roundtables to share views and best practices on the protection of the human rights of migrants, refugees and asylum seekers in Africa and in the EU and to analyse and share best practices on the implementation of Resolution 1325 in Africa and in the EU.

As a manifestation of their joint endeavours, on 26 June 2010 the EU and the AU issued a Joint Declaration on the United Nations International Day in Support of Victims of Torture. In this declaration the EU and the AU recalled the Resolution 64/153 adopted by the UN General Assembly on 18 December 2009 and the Resolution 13/L.19 adopted by the UN Human Rights Council on 26 March 2010 and reiterated that States must take persistent, determined and effective measures to prevent and combat all acts of torture and other cruel, inhuman or degrading treatment or punishment. They also called upon all States not yet having done so to become parties to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and to its Optional Protocol (OPCAT), and to recognise the competence of the Committee against Torture to receive and consider individual communications.

The Africa-EU Platform for Dialogue on Governance and Human Rights was launched on 12 November 2010 as the culmination of the work that had taken place within the Joint Africa-EU Strategy, specifically the Partnership on Democratic Governance and Human Rights. The platform will provide an open, inclusive and informal space for dialogue, allowing the formulation of shared governance agendas and recommendations on issues such as economic governance and regional integration, issues that are crucial in the fight against corruption, and in the enhancement of economic growth. It will also feed the political dialogue between the two continents and allow for improved EU support for African governance initiatives such as the African Peer Review Mechanism (APRM) and the African Charter on Democracy, Elections and Governance.

In addition to the AU-EU human rights dialogue, political dialogues conducted under Article 8 of the Cotonou Agreement provide opportunities for taking up human rights concerns directly with the national authorities in African partner countries. Specific dialogues on human rights took place with Nigeria and South Africa in 2010.

## 5.4.2 Angola

Angola's new constitution entered into force in February 2010, giving strong guarantees as regards fundamental rights and liberties: freedom of the press; freedom of religion; right of assembly; the position and working space of civil society; protection of economic, social and cultural rights; gender equality; child promotion and protection; work environment for human rights defenders. At the same time the Government established a State Secretariat for Human Rights, reporting directly to the President and mandated to monitor the implementation of national and international laws related to the protection and promotion of Human Rights. An inter-sector Commission for Producing Reports on Human Rights was also constituted.

Given the general scaling back of donor assistance to Angola (because of its oil potential) and the closure in 2008 of the OHCHR office, EU support is for many CSOs the only reliable means of proceeding with their human rights endeavours. EIDHR is the largest single programme supporting civil society actors in Angola. Issues most prominent for these organisations are: access to justice; political participation; protection of human rights in the context of forced evictions and the control of illegal migration. As for programmed aid, the 10th EDF NIP is focused on institutional support and capacity-building for the justice system, improved public sector governance at the central and local level, enhanced access to basic public services; improved social and economic integration in the rural areas and employment generation.

Ahead of legislative and presidential elections (in 2012), the EU and UNDP are cooperating to support consolidation of democratic culture and institutions through the development of capacity of Electoral Management Bodies (EMB) and support to the needs of Civil Society.

Dialogue under Article 8 of the Cotonou Agreement has not been very active, but Angola and the EU are committed to taking their relations up to a new level of political cooperation. A new "Joint Way Forward (JWF)" process will provide for the promotion of democratic governance, human rights and fundamental freedoms, and the fight against corruption at regional and global level.

### **5.4.3 Burundi**

The EU remained concerned about the human rights situation in Burundi during 2010. The year was marked by the electoral cycle (legislative, presidential and local elections). The elections were considered fair and compliant with international standards by several observers and by the EU



Electoral Observation Mission (EOM). Elections days were calm. According to the EU EOM, the legislative campaign noted a decrease in the number of grenade attacks (which happened before and after the presidential elections, boycotted by the opposition) but a high number of arrests and targeted assassinations. It observed an increasing number of violations to the freedoms of assembly, demonstration and political expression, as well as several arrests of senior personnel and members of the opposition parties by the police and national intelligence service. The High Representative and the Commissioner for Development, issued two declarations on the elections calling all parties to dialogue and moderation.

#### **5.4.4 Chad**

In the context of growing stability after the political turmoil of 2008, where rebels challenged the security of the country, the EU-funded PARSET programme supported the State in preparing for the elections of 2011. This programme financed a national census, civil education for the population at large and the promotion of women and young people to the political life of the country. The programme supported the National Independent Electoral Commission in its preparatory work for the democratic election of the national assembly.

To address the problem of widespread impunity in the country, the EU also co-funded, together with the Chadian government, two large programmes for the reform of the internal security forces (PAFSI) and of the justice system (PRAJUST). The former, whose activities will be rolled out in 2011, aim at re-orienting security forces to a citizen-oriented service. The latter aims at reinforcing the capacity, both in terms of infrastructures, equipment and skills, of all justice actors (judges, penitentiary guards, judiciary police, scientific investigation police...) in order to have a more professional and performing justice system respectful of Human Rights principles and practices. The PRAJUST also financed legal aid programmes run by civil society associations to enhance access to justice of vulnerable groups.

Chad being a poverty struck country, the EU Non State Actors / Local Authorities budget line complemented these major programmes with funding for associations running programmes to improve access to health, education and culture, in various parts of the country. A specific EDF programme for the East contributed to address the particular challenges of this region, where refugees from Darfur and Central African Republic are temporarily settled and where a large number of Chadian are still internally displaced (IDPs) following the insecurity threats posed by rebel groups at the borders of the country. This programme contributes to improving access to health (rehabilitation of a hospital and various health centres), access to justice (construction of a justice court in 2011) and enhanced livelihood and economic self-reliance. In order to ensure the protection of local population, IDPs and refugees in this region, the EU supported the "Détachement Intégré de Sécurité" (DIS), a special civil force put in place by the UN Mission to CAR and Chad (MINURCAT). This force is in charge of the protection of the local and host population as well as of the humanitarian presence in this region. The DIS is meant to bring to those fragile populations a support based on a new philosophy of security forces in Chad, respecting Human Rights and focused namely on gender issues and justice.

The EU followed closely the works of the Commission of Enquiry on the events of 2008 and particularly those related with the disappearing of a political opponent, Ibni Oumar Mahmat Saleh.

With the easing of the security situation and the amnesty granted for the celebration of the 50<sup>th</sup> anniversary of independence, many (around 1000) children associated with armed groups were reintegrated into society thanks to programmes run by UNICEF and ICRC. In June, a regional conference on child soldiers gathered in N'Djamena government representatives from Cameroon, CAR, Niger, Nigeria, Sudan and Chad to develop regional strategies to end this practice.

All these efforts to improve the human rights situation at regional, national and local level have been complemented by ECHO funding, who supported the livelihood of the most vulnerable population in the Sahel region of the Country, where malnutrition is most rampant, and the access to basic rights such as health, education and housing of refugees and displaced population.

#### **5.4.5 Cote d'Ivoire**

In 2010, the EU addressed the issues of the protection and promotion of human rights in Côte d'Ivoire through high level political dialogue with the national authorities and development cooperation aimed at strengthening the capacities of the state authorities to protect human rights while increasing those of the society to demand respect for human rights.

The EU is a strong advocate for the strengthening of the rule of law and the respect of human rights in general and in particular regarding the politicised issue of the naturalisation of long standing migrants. The EU will continue to galvanise attention around this political issue in order to improve the rights of non-Ivorians, whose limited access to employment, land, and citizenship renders them particularly vulnerable.

In 2010 the EU developed a comprehensive justice reform project to be initiated in 2011 to help reduce impunity and corruption and improve access to justice. The project includes the provision of legal aid for women, minors and long-term detainees. Regarding the penitentiary system, the EU has also worked to improve the rights of inmates by improving the appalling living conditions in prisons (including improving access to water, sanitation and nutrition).

The EU supported the national authorities in implementing the land act in order to address the issue of land conflicts particularly prevalent in the Western region. Overall assistance to strengthen social cohesion and dispute resolution was also enacted.

The EU has supported the reform of the civil registry system, which provides the overall framework for the protection of civil and political rights. In addition, the EU provided financial and technical assistance to the electoral process, including civic education and support to the monitoring role of civil society. The EU also worked to strengthen the independence of local radio stations with a view of reinforcing the liberty of expression.

Lastly, support was provided to strengthen advocacy for people with disabilities, who are socially marginalised and whose legal and social rights are *de facto* deprived. The EU also carried out a study to explore the issues of child labour in Côte d'Ivoire.

At the end of 2010, renewed tensions and crisis emerged after the contested presidential elections of November 2008. EU humanitarian assistance was provided to preserve the basic rights of refugees and displaced communities and the European Instrument for Democracy and Human Rights (EIDHR) was mobilised to reinforce the human rights situation on the ground.

The post-electoral conflict led to serious human rights violations, which must be addressed as a priority in order to rebuild trust and preserve peace. A comprehensive approach will likely encompass a reform of the security sector, as elements of the security forces are often implicated in human rights exactions.

#### **5.4.6 Democratic Republic of Congo**

The EU continued to closely monitor the human rights situation in the DRC and regularly voiced its concern on human rights violations. This was the case, for example, with the killing of the human rights activist Floribert Chebeya in June, after which the EU issued a declaration asking the Congolese authorities to carry out an impartial and transparent investigation on the circumstances of the death. The High Representative expressed her solidarity with all Congolese human rights defenders. The enquiry was completed in the meanwhile and a trial was opened in Kinshasa; the EU has been actively monitoring the hearings.

The EU also implemented several demarches in the area of protection of human rights defenders as well as on the rights of minorities (LGBT). Other demarches were carried out as often as necessary towards the relevant national authorities. The EU also updated its local action plan for the implementation of the EU Guidelines on Human Rights Defenders.

Gender-based and sexual violence remain important concerns of the EU in the DRC and a Joint Declaration by the High Representative and the Commissioner for Development condemned the attacks and sexual violence perpetrated by the FDLR and other groups in August in North Kivu. They requested that the Congolese authorities enhance the protection of the civilian population and the fight against impunity and step up the implementation of the national strategy on the fight against sexual violence. The EU's two CSDP missions, EUSEC and EUPOL, were reinforced with expertise and increased focus on sexual violence in armed conflict.

The EU monitored legislative developments particularly with regard to the follow up to the UN mapping report on human rights violations. The EU continued to support good governance, including the consolidation of democracy, the Rule of Law and security sector reform. The European Instrument for Democracy and Human Rights (EIDHR) continued to be mobilised in the DRC through several projects.

In international forums the EU continued to support the ICC as regards the Congolese cases pending. The EU was also active in the UN Human Rights Council to address DRC human rights situation and follow up to the UPR of the DRC in 2009.

#### **5.4.7 Eritrea**

EU concern at the persistent violation of human rights obligations under domestic and international law remained high. The EU urged the Government of Eritrea to unconditionally release all political prisoners. An EU declaration was issued to this effect in September 2010. Particular attention was drawn to the ‘G11’ – a group of eleven senior government officials arbitrarily detained and denied their rights since 2001 after openly criticising President Isaias Afwerki.

The fate of imprisoned journalists, and those incarcerated for their political and religious beliefs was another matter of serious concern. During the political dialogue on human rights held in Asmara on 14 September 2010 the EU called on Eritrean authorities to release Dawit Isaak, a journalist of double Eritrean-Swedish nationality held incommunicado in detention since 2001, as well as all other imprisoned journalists, and to provide information and access to them.

The freedom of religion remains another problematic area, and the EU has expressed its concern regarding violations against non-state sanctioned religious groups in Eritrea and demanded access to the former Patriarch of the Eritrean Orthodox Church deposed in 2007.

The EU has supported several project activities aiming at the promotion of human rights, notably relating access to information on human rights and regarding women and children rights. 10 000 booklets on children rights have been distributed and 1 500 teachers received training. Awareness raising actions against female genital mutilation have been undertaken with the EU support.

## 5.4.8 Ethiopia

An EU Election Observation Mission (EOM) observed the national election of May 2010, and concluded that although the election was organised well and was held in a peaceful manner, the process fell short of international standards for elections, notably regarding the transparency of the process and the lack of a level playing field for contesting parties. Following the presentation of the preliminary statement by Chief Observer, Mr Thijs Berman MEP, the High Representative recognised the challenging environment in which these elections had taken place and called upon all political actors in Ethiopia to seize the opportunity to address problems and to strengthen democracy<sup>29</sup>.

In November 2010, following the publication of the final EOM report, the EU issued a declaration<sup>30</sup>, regretting that it had not been possible to agree on a presentation of the final report by the Chief Observer to the Ethiopian Government in Addis Ababa in line with normal practice for EOMs, and inviting the Government of Ethiopia to draw on the report and consider its recommendations.

The EU reiterated its willingness to support the Ethiopian objectives of poverty eradication, economic and social development while underlining the importance it attaches to the promotion of human rights, democratic governance and the rule of law. The EU continued to convey its concerns regarding these issues in all contacts with the Ethiopian authorities.

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<sup>29</sup> [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/114624.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/114624.pdf)

<sup>30</sup> [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/cfsp/117578.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/cfsp/117578.pdf)

In October 2010, the High Representative issued a statement welcoming completion of the traditional justice process facilitated by the Coalition of Elders which led to the pardon granted to opposition leader Birtukan Midekssa in accordance with Ethiopian law<sup>31</sup>. The EU had been a constant advocate of her release.

The EU remains concerned about the situation of human rights defenders, and the application of the 2009 law regulating civil society activity. The EU encouraged the Ethiopian Government to continue to have an open dialogue with all concerned parties to make sure that there is commonality of understanding regarding the purpose and remit of this law. CSOs should continue to play an important role in the promotion of good governance and fundamental freedoms and rights.

#### **5.4.9 Gambia**

The human rights situation in Gambia continued to be worrying, despite some slight improvements regarding press freedom. The death sentence on eight alleged coup plotters in July 2010 provoked a statement by High Representative's spokesperson. The appeal process is still ongoing. The formal and informal démarches by EU and Member States also contributed to Gambia renouncing to extend the application of death penalty to three new categories of crimes, including drug trafficking. Gambia has not proceeded to an execution since 1981 and in December 2010, for the first time ever, it voted in favour of the moratorium on death penalty at the UNGA.

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<sup>31</sup> [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/116917.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/116917.pdf)



### 5.4.10 Guinea

In 2010 the transition towards democracy in Guinea advanced significantly, notably through the adoption of a new Constitution in May and the holding of the country's first free and competitive presidential elections. Pluralism alongside the respect of the freedom of expression was generally guaranteed during the electoral campaign. However, the political climate deteriorated and tensions mounted as the second round approached, culminating in several violent incidents and abuses by the security forces. The EU financially supported the organisation of the presidential elections and deployed an Election Observation Mission.

As regards the protection of human rights, there were some important advances: the persons arrested during the violence around the second round of the presidential elections were released, illegal prisons were or are currently being closed down, and military roadblocks were removed. However, the situation remains highly problematic in terms of equality before the law, the rights of the detainees and prison conditions. The culture of impunity, which has long characterised Guinea, remains. The investigation of the violent events of 28 September 2009 has not progressed.

In response to progress by Guinea in its political transition, notably through the organisation of presidential elections, the EU gradually resumed its development cooperation which had been partially suspended under Article 96 of the Cotonou Agreement, in reaction to the military coup of 23 December 2008. In addition, the EU adopted a financial envelope of €40 million for urgent measures in support to the political transition, particularly in the areas of human rights, justice, reform of the security sector and public finance.

The targeted sanctions (visa and asset freeze) and arms embargo adopted by the Council of the EU in reaction to the violent repression and gross violations of human rights by security forces of a peaceful demonstration on 28 September 2009 remained in force throughout 2010.

### 5.4.11 Guinea-Bissau

The security situation in Guinea-Bissau encountered new instability in 2010. On 1 April, a mutiny against the Chief Head of Defence resulted in his unlawful imprisonment and the brief detention of the country's Prime Minister. Only a few weeks later, the head of the mutiny was nominated by the President as new Chief Head of Defence. Other individuals linked to the events, supposedly also involved in drug trafficking, were appointed to high ranking posts in the Armed Forces. The 1 April mutiny, detentions and the following appointments were strongly criticised by the EU through repeated statements, declarations and démarches. Considering these events as violation of the essential elements of the Cotonou Agreement (human rights, democracy and the rule of law), the Commission proposed in December 2010 to invite Guinea-Bissau for consultations under Article 96 of the Cotonou Agreement.

Between May 2008 and September 2010, an EU CSDP mission (EUSSR Guinea-Bissau) supported local authorities in the preparation of the legal and administrative framework for the implementation of the National Security Sector Reform Strategy. Following the instabilities of 1 April the EU assessed that the political conditions for the deployment of a new mission were not met and decided to close EUSSR at the end of its mandate on 30 September 2010.

Under the Human and Social Development chapter of the Development Cooperation Instrument, the EU financed in 2010 a programme for the protection, rehabilitation and reintegration of children victims of or vulnerable to trafficking of human beings and sexual exploitation. This includes the prevention of and the combat against human trafficking and abuse, as well as psychosocial measures for the socio-economic integration of concerned children.

The fragile political environment and the looming presence of the military, coupled with widespread feeling of impunity created a difficult environment for the respect and the promotion of human rights in the country. Nevertheless, Guinea-Bissau performed reasonably well in the Universal Periodic Review held by the UN Human Rights Council in May 2010, accepting almost all the proposed recommendations.

#### **5.4.12 Kenya**

The EU continued to closely follow the human rights situation in Kenya throughout 2010. The EU remained concerned with the lack of follow-up to the 2009 report of the UN Special Rapporteur on extrajudicial killings. The EU was also deeply concerned with continued inaction by the Parliament on the establishment of a local special tribunal to try suspects of the 2007-2008 post-election violence in Kenya. In view of this inaction, in April 2010, the ICC Pre-Trial Chamber decided to investigate the post-election violence, aiming to bring to justice those bearing the greatest responsibility. In a Declaration on behalf of the EU, the High Representative noted the Pre-Trial Chamber's decision and called on the Government to cooperate fully with the ICC. In August, the EU reiterated its call for full cooperation with the ICC, following the visit of ICC-indicted Sudanese President Omar Al-Bashir to Nairobi, in a statement by the Spokesperson of the High Representative. In September, the European Parliament passed a resolution criticising Kenya's failure to arrest President Al-Bashir.

In December 2010, the ICC Prosecutor asked the Pre-Trial Chamber to issue summonses to appear against six individuals to face charges for crimes against humanity. The EU was concerned with attempts by Kenyan Members of Parliament to derail the ICC process in December 2010, calling for a motion to withdraw from the Rome Statute.

In March EU diplomatic missions in Nairobi issued a statement calling on the Government to set up a more appropriate witness protection programme in order to allow the ICC investigations to take place under suitable conditions. The EU expressed concern with cases of harassment and intimidation of potential witnesses and of human rights defenders. The President assented to an Amendment of the Witness Protection Act in June. However, the EU is concerned about the definition of a witness which can hamper admission into the programme. There is risk that admission will be arbitrarily decided by the Director of the programme. The EU began local implementation of its guidelines on Human Rights Defenders in 2010.

### **5.4.13 Liberia**

Despite some progress, the EU remained attentive to the human rights situation in Liberia. Insufficient access to justice, poor prison conditions and lengthy pre-trial detentions and gender based violence remained issues of concern. In November 2010, the EU undertook a démarche with the Liberian authorities regarding the resolution on a 'Moratorium on the use or the death penalty', tabled for the vote under 65th UN General Assembly. Liberia itself, under the legislation adopted in 2008 continues to formally maintain the death penalty for certain crimes. The EU continued to appeal to the Government to review its Legislation and to fully honour its international human rights commitments.

Liberia was strongly affected by the conflict in neighbouring Côte d'Ivoire after its contested presidential elections. At the end of 2010 more than 20 000 Ivorian refugees were registered in Liberia, which fully honoured its laws in providing for the refugees and supporting their accommodation within the country. The EU pledged €12.8 million to assist in the efforts to address the needs of the refugees as well of the affected hosting communities.

#### **5.4.14 Madagascar**

2010 saw no progress on the implementation of the Maputo Agreements and the Addis Ababa Charter agreed by all Malagasy Mouvements in 2009. On the contrary, Mr Rajoelina and the High Transition Authority (HTA) embarked upon a unilateral transition process, including the appointment of a non-consensual Prime Minister and Government. Such developments triggered the EU's decision of 7 June to close consultations under Article 96(2)(c) of the ACP-EU Partnership Agreement and to adopt appropriate measures, suspending the bulk of the EU development aid.

The HTA continued its unilateral approach and organised, on 17 November, a referendum on the constitution of the 4th Republic, which was rejected by the Malagasy parties outside the HAT alliance, and not recognised by the International community. In a declaration published on 19 November, the High Representative expressed deep concern at such developments and called on the HTA and on all Malagasy factions to urgently resume dialogue to ensure that the transition process is really based on consensus allowing for a swift return to constitutional order, founded on credible and open elections.

### **5.4.15 Malawi**

The EU has been significantly involved in supporting human rights in Malawi, through the promotion of good governance and institutional capacity building. In 2010 EU action focused on improving the health care for prisoners, raising human rights awareness among prison staff and promoting the resolution of human rights violations through the Malawi Human Rights Commission. On 21 May 2010, the High Representative made a Declaration on behalf of the EU on the human rights of Lesbian, Gay, Bisexual and Transgender (LGBT) people in Malawi. The EU expressed concern about homophobia and discrimination on the grounds of sexual orientation in Malawi. The Declaration was made after two gay persons had been condemned to 14 years imprisonment; at the end of May, both were pardoned by President Bingu wa Mutharika on humanitarian grounds and released. In December 2010, the EU, U.S. and Norway expressed jointly their concern to local authorities regarding the draft Bill amending the penal code which would expand media control by the Government and criminalise female same sex relations. (Nonetheless, the amendments of the penal code were signed into law by the President in January 2011).

#### **5.4.16 Mauritania**

After the 2008-2009 political crisis, the full return of Mauritania to the international scene was confirmed by the Round Table for Mauritania, organised in June 2010 by the EU, UNDP and the World Bank. The Government presented to its partners its strategies for the country's development, its sectoral policies and confirmed its governance commitments, agreed with the EU.

Mauritania was selected a member of the UN Human Rights Council for the period 2010-2013 and underwent the Universal Periodic Review in 2010. The Office of the UN High Commissioner for Human Rights opened in Nouakchott in 2010.

Remnants of slavery continue to exist in Mauritania, as was concluded by the UN Special Rapporteur on contemporary forms of slavery, but for the first time the 2007 law on criminalising slavery was applied. Two trials were organised, though they did not lead to convictions. Significant progress was made on the media liberty, with the legislative framework adapted and completed. A wider reform of the justice system was also ongoing.

Mauritania's law still provides for the death penalty, but it has not been applied since 1987. EU organised a démarche in 2010 to plead in favour of a UN resolution promoting a moratorium on the use of the death penalty, leading to a change in Mauritania's vote (abstention instead of rejection).

### **5.4.17 Mozambique**

The EU's dialogue, under Article 8 of the Cotonou Agreement, covers a wide range of issues including Democracy and Human Rights. The EU strongly criticised police excesses in the repression of the September 2010 riots and persuaded the Mozambican Government to follow up on its engagements in the human rights field. The EU stressed the need for a broad and inclusive consultation process and underlined the support given by the EU to electoral reform.

Against this background, the EIDHR financed projects for a total amount of €825 000, implemented by European NGOs or directly by Mozambican civil society organisations. Support is focussed on the press and journalists, civic and electoral education, the strengthening of grass roots organisations, local governance, labour rights and blind people. Recently approved projects for an additional €630 000 will address domestic violence, human trafficking and post-electoral observation. Human Rights and good governance are underlying principles of General budget support in Mozambique (provided by the EU and all 13 Member States present in Mozambique).

### **5.4.18 Niger**

In Niger, 2010 was marked by a political transition process that followed a military coup in February. EU action took place in the framework of 'Article 96' consultations and the road map agreed to restore democracy. This political transition was coming to a successful completion by the end of 2010, resulting in the restoration of constitutional order and civil rule. The EU supported it through a €19.5 million contribution to the electoral process, alongside EU Member States (who contributed approximately €5 million).



Despite an improvement in the human rights situation in Niger during the transition period, there are still serious issues, highlighted by the Universal Periodic Review that the country underwent in February 2011. The most important is discrimination and violence (in particular genital mutilation) against women. This is one of the main issues tackled by local NGO actions supported by an EU civil society support programme (PASOC).

The Niger justice system is dysfunctional, with long procedures resulting in a huge number of long-term remand prisoners in terrible conditions. The EU supported technically and financially a justice reform programme that included an important component of legal aid to vulnerable categories. The EU made also an intense lobby for the abolition of the death penalty that resulted in a proposal by the transition government, unfortunately rejected by the Transitional Consultative Council.

Finally, the EU mobilised €92 million, of which €53 million as humanitarian assistance, to successfully support the response to a severe food crisis (7 million persons at risk).

### 5.4.19 Nigeria

In the framework of the EU-Nigeria Joint Way Forward, human rights were a priority in political dialogue at the EU-Nigeria Senior Official Meetings in November 2009 and June 2010. The second round of the EU-Nigeria local dialogue on human rights took place on 6 July 2010. The dialogue focused on electoral rights, death penalty, extrajudicial killings, fight against torture, child's rights, violence against women and Human Rights Defenders. The dialogue also included multilateral Human rights issues, which are also discussed in other settings. The EU focused particularly on the issue of torture, issued an EU HoMs report on torture and marked the international day against torture (26 June) with the National committee against torture in a public event.

During 2010 the EU issued statements expressing concern at the violence and loss of life owing to conflict in northern Nigeria. The statements encouraged initiatives by the Nigerian Federal Authorities to support inter-ethnic and inter-religious dialogue. The EU also issued four statements on the democratic transition of power in Nigeria as well as condemning the bombing attack of 1 October 2010.

## 5.4.20 Rwanda

The EU continued to raise human rights in its political dialogue with Rwanda, including the application of the law on Genocide ideology and the media law.

Key developments revolved around the 2010 Presidential elections. These were an important step in the process of national reconstruction towards the declared aim of fully establishing electoral democracy. However, several areas of concern were identified: a series of violent incidents including assassinations of public figures, random grenade attacks and a number of assaults against media and political opponents marred the pre and post electoral periods. Political freedom was negatively affected by legal cases brought against opposition media and opposition politicians as well as impediments to party registration. Finally, concerns were expressed concerning the transparency of consolidating district-level results in the context of the national elections.

The EU deployed an Election Expert Team to follow the electoral process and provided financial support to the National Electoral Commission and civil society. In August 2010 a Statement by the High Representative and the EU Commissioner for Development was issued on the Presidential Elections in Rwanda. In July 2010 a Statement by the spokesperson of High Representative was issued on the murder of Mr André Kagwa Rwisereka, Vice President of the Rwandan Democratic Green Party.

### 5.4.21 Senegal

Human Rights and the conflict in Casamance were among the subjects dealt with at the two formal political dialogue meetings with the Government held in 2010. In Casamance, the conflict with the rebels of the MFDC regained intensity in 2010. Even though the number of civilian victims is unknown, the increased use of landmines has been the cause of several accidents affecting both belligerent forces and civilians. The EU contributes to the mine clearance of most affected rural areas with a project of €4 million in cooperation with UNDP and Handicap International.

Otherwise, homosexuality continued to encounter hostility from large fringes of the population. Mistreatment of young "talibé" (Koranic schools pupils) also remained pervasive, even though the authorities sent a signal by condemning for the first time a number of Koranic masters in 2010. Violations of the human rights of women, especially female genital mutilation, were reported to remain frequent especially in rural areas. In addition, some restrictions to press freedom were recorded, even if the media remained largely outspoken.

The EU undertook démarches with the Senegalese Government concerning discussions at the UNGA regarding Human Rights issues, namely a moratorium on death penalty and the human rights situation in some countries.

## 5.4.22 Somalia

In 2010 the EU continued pursuing its comprehensive engagement in Somalia, with a view to responding to the priority needs of the Somali people and stabilising Somalia. Among international institutions, the EU is the biggest donor in Somalia. The EU worked closely with its international partners in a collective endeavour.

The EU sought continued implementation of the Djibouti Peace Agreement, aimed at addressing the terrible human losses suffered by Somalia, and supported the Transitional Federal Government. On 25 January 2010, the Council agreed to set up a military mission to contribute to training of Somali security forces in Uganda with a view to protecting civilians. More generally, the EU provided development cooperation in the fields of governance, security and support to civil society.

Unfortunately, the armed conflict between the Transitional Federal Government (TFG), supported by the African Union Mission (AMISOM), and Al Shabaab (a radical Islamist insurgency) continued unabated in Mogadishu. Heavy fighting was also observed in the regions between pro-TFG militias and Al Shabaab. Hundreds of thousands of people were newly displaced and access to humanitarian assistance was severely restricted because of general insecurity, as well as targeted attacks by Al Shabaab on humanitarian workers. The absence of effective governance institutions and rule of law, the widespread availability of small arms and other light weapons, and al-Shabaab's increased enforcement of extremist societal norms contributed to a worsening human rights situation, particularly in Central and South Somalia. The human rights situation in al-Shabaab controlled areas deteriorated further during the year and was particularly difficult.

### **5.4.23 South Africa**

The third South Africa-EU Summit, which was held in Brussels on 28 September 2010, reaffirmed the shared values underlying the 'strategic partnership' between the EU and South Africa, including human rights, democracy and the rule of law. This commitment manifested itself in closer cooperation in international human rights forums. In May and September 2010, the EU and South Africa held two rounds of informal consultations on human rights. The discussions focused mainly on cooperation in multilateral forums, though also encompassing domestic issues.

Within South Africa, the EU promoted human rights through various cooperative programmes including the Access to Justice and Promotion of Constitutional Rights programme. The EU supported civil society mainly through the European Instrument for Democracy and Human Rights.

### **5.4.24 Sudan**

Full implementation of the Comprehensive Peace Agreement was the overall priority of the EU for 2010. Great attention was given to the General Elections of April 2010 and to the period leading to the Referendum on the Independence of the South (ultimately held in January 2011).

Both milestones were passed peacefully, without major security concerns, as evidenced by the final report of the EU's Election Observation Mission. However, the democratic space opened by the elections shrank progressively over the second half of the year and the freedom of expression and assembly of the Sudanese people continued to be severely restricted.

Political opponents, youth groups, human rights activists and journalists remained at high risk of harassment, arbitrary arrest and ill-treatment by the National Security Service (NSS) due to their political affiliation and a complete lack of accountability. The continuation of this status quo prompted the High Representative's spokesperson to issue a statement on 8 November 2010 inviting the Sudanese Government to abide by its international obligations.

The protracted conflict in Darfur continued to claim civilian lives and force population displacement, and remained a source of great concern to the EU, which remains committed to a peaceful solution as witnessed by its continued presence at the peace negotiations in Doha.

In order to find a platform for discussion on human rights issues, the EU has gradually restored its dialogue with the Advisory Council for Human Rights, the only governmental interlocutor for issues of Human rights in the absence of an independent National Human Rights Commission. However, such a dialogue has proved rather ineffective to tackle the extremely difficult situation and therefore new avenues and actions will be explored in 2011.

EU engagement with civil society continued to be strong, in particular through the European Instrument for Democracy and Human Rights which is one of the few funding mechanisms available to Sudanese organisations for the strengthening of their capacities and their fundamental role in the process of democratisation of the country.

With specific regard to South Sudan, expected to gain independence in July 2011, the EU is keen on establishing a regular dialogue with the Southern Sudan Human Rights Commission. The EU has also been supporting the establishment of a Human Rights Forum between the Human Rights Commission, Civil Society and the international community to ensure a more regular exchange among the different actors involved in human rights.

#### 5.4.25 Togo

2010 was marked by the presidential election of 4 March. The EU Election Observation Mission deployed to Togo concluded that the legal framework provided a reasonable base for a conduct of democratic elections in conformity with international norms. However, it noted that the revision of the Electoral Code had not been approved by the opposition parties, negatively affecting the trust in the administration of elections. The elections had been conducted in a calm atmosphere, and in general, liberty of expression and movement of candidates to the elections had been respected.

People in detention, particularly those in pre-trial detention as well as women and children continued to be among the particularly vulnerable categories of population in respect of human rights protection in Togo. Use of excessive force to disperse demonstrations was reported by several observers. Human rights defenders have singled out impunity over 2005 political violence as a major problem together with allegations of cases of torture and unlawful detention.



In 2010, the EU supported local NGOs to promote the respect of human rights of detainees and to improve their social reinsertion as well as with regard to human rights training of magistrates. The EU also financed the implementation of a vast programme of legislative reforms to assure compliance with international legislation.

The Justice, Truth and Reconciliation Commission (TJRC), established in 2009 to investigate political crimes committed between 1958 and 2005, started its operational phase with financial support from the EU. By the end of 2010 more than 5 800 people had made statements before the TJRC.

#### **5.4.26 Uganda**

Ahead of the 2011 parliamentary and presidential elections, respect for political freedoms was a key interest in 2010, and the EU noted with concern an increasing tendency of the Ugandan Government to curtail political freedoms.

In meetings with the Ugandan authorities the EU expressed its concern relating to the draft Public Order Management Bill, which threatened serious restrictions on freedom of assembly, association and expression. There are also concerns with the Regulation of Interception of Communications (RIC) Act, which entered into legal force on 3 September 2010. Its lack of adequate safeguards to ensure respect and protection of human rights, threatened the right to freedom of expression and the right to privacy. The closing down of radio stations following last September's clashes was a sign of increasing government restrictions on what used to be a relatively liberal media.

An EU Exploratory Mission was deployed to Uganda, 8-25 November 2010, to assess whether the deployment of an EU Election Observation Mission (EOM) for the general elections on 18 February 2011 would be useful, advisable and feasible, in accordance with criteria set out in the Communication on EU Election Assistance and Observation (COM (2000)191). The deployment of the ExM followed an invitation to the EU to observe the 2011 general elections issued by the Ugandan Electoral Commission in February 2010.

The mission assessed that, for the most part, the necessary pre-conditions for a genuine election existed – although questions remained as to the robustness of key institutions such as the Election Commission as well as the state’s respect for fundamental freedoms. While the Ugandan Constitution provides guarantees for free expression, free association and peaceful public assembly, the mission assessed that the enjoyment of these rights was limited unduly by primary legislation or in practice. It was also clear that recommendations made by the 2006 EU EOM to remove vague provisions concerning “malicious, false, abusive, insulting or derogatory statements” while campaigning had not been addressed. On the other hand the mission was able to meet a range of civil society organisations active in promoting citizens’ participation and engagement with the electoral process through numerous initiatives. And in a positive step, in August 2010 the Constitutional Court struck down certain provisions of the Penal Code dealing with sedition.

The EU also expressed its concerns at the Army's forced disarmament programme in north eastern Karamoja, which has led to the deaths of civilians (including children) and alleged human rights abuses. The spread of small arms and light weapons in this poor region of Uganda has resulted in increased violence amongst ethnic groups and with the army.

Under the ninth EDF EU Support to Human Rights and Good Governance Programme (2005-2010), €7 million was provided to support projects aimed at improving respect for human rights. The overall objective of the programme was to contribute to sustainable development centred on human security and good governance; respect, promotion and fulfilment of the full spectrum of human rights and strengthened rule of law. In this regard, support was provided to key government institutions like the Uganda Police Force, the Prison Service, Parliament, Electoral Commission and Uganda Human Rights Commission on the account of the critical role they perform in the protection, promotion and enforcement of human rights. These institutions will receive further support under the 10<sup>th</sup> EDF Support to Democratic Governance and Accountability Programme.

EU Heads of Mission in Uganda have raised the issue of the treatment of homosexual people with the Ugandan Government on several occasions, during meetings with the President, Prime Minister, Minister for Foreign Affairs and Minister of Justice, in formal political dialogue meetings and with the Uganda Human Rights Commission. One of the most important mechanisms for improving the situation of LGBT people is the regular dialogue between the EU and civil society in Uganda. The EU Delegation organised several meetings with Human Rights Defenders, including SMUG (a local human rights organisation focusing on LGTB rights).

#### **5.4.27 Zimbabwe**

The EU has conditioned the normalisation of its relation with Zimbabwe with the implementation of the Global Political Agreement (GPA) which encompasses important democratic reforms. The EU has foreseen substantial assistance for the implementation of the GPA, including the earmarking of €130 million in the 10th EDF for those purposes. However, positive developments achieved on the economic side were not matched by equivalent progress on the political front. As a result, the EU continues to apply appropriate targeted restrictive measures.

The EU supports a wide range of activities which promote human rights and democracy in Zimbabwe and contribute to reforms embedded in the GPA. For example, the EU supports peace building and reconciliation efforts, as well as a monitoring of human rights violations and conduct of human rights advocacy campaign. The EU has been closely cooperating with civil society and local communities to strengthen democratic processes, including constitutional process and promotes the role of free media. In 2010 the EU enhanced its cooperation with human rights defenders and raised their deteriorating situation with local authorities.

## **5.5 The Middle East and the Arabian Peninsula**

### **5.5.1 Bahrain**

The EU condemned the pre-election crackdown on the opposition, and subsequent politically motivated arrests. The EU also intervened in the case of Jassim Abdulmanan, a Bangladeshi national sentenced to death in 2007 for murder, and asked for his sentence to be commuted. Unfortunately, Mr Abdulmanan was subsequently executed by firing squad on 8 July 2010. He was the only person to be executed in 2010. The EU called on Bahrain to re-establish the *de facto* moratorium no executions observed between 1996 and 2006.

## 5.5.2 Iran

Throughout 2010 the EU called on Iran to respect its international human rights commitments through many public statements and démarches both in Tehran and in EU capitals. The EU spoke out on human rights violations ranging from the repression of peaceful protestors, arbitrary arrests, ill-treatment of detainees, fair trial rights to discrimination against women, religious and ethnic minorities, including the trial against seven Baha'i leaders. On 12 June, one year on from the 2009 presidential elections, the EU issued a comprehensive statement on human rights in Iran.

The EU-Iran Human Rights Dialogue, frozen since December 2006, when Iran cancelled the fifth round, remained dormant in 2010. The EU declared its readiness to discuss human rights with Iran, if only Iran would show real commitment to engage seriously. This was not the case in 2010.

Throughout 2010 the deterioration of the human rights situation which followed the June 2009 Presidential election continued, the most severe downturn since 1979. Intimidation, arrests and imprisonment of journalists, lawyers, human rights defenders, opposition leaders, students and those speaking up in defence of their legitimate rights created a pervasive climate of fear. Human rights defenders, lawyers, journalists, political leaders, minorities and students were harassed, imprisoned and sometimes executed. Torture and ill-treatment of detainees were routine and committed with impunity. Women continued to face discrimination under the law and in practice.

Severe restrictions on freedom of expression and the right to peaceful assembly and association continued. On the anniversary of the Islamic Revolution on 11 February, which for many Iranians should symbolise progress in fundamental freedoms and rights, the High Representative expressed EU concern that a large number of Iranians had been prevented from expressing their views. "The scenes of violent oppression today are part of a pattern over the last few months. Violent crackdowns on those calling for the fundamental right to freedom and expression and assembly have cost the regime the trust of its own people, as well as that of the international community".

Still the authorities continued to restrict access to outside sources of information such as the internet. International radio and television broadcasts were jammed. Wiretapping and intercepting of SMS and email communications were routine. In January, the authorities banned contact by Iranians with some 60 news outlets and foreign-based organisations. Those willing to speak to the few large Persian-language media outlets on human rights issues were threatened or harassed by security officials. Many Iranians turned to social networking websites to express their views. In March 2010, the Council of the EU expressed its grave concern over measures taken by the Iranian authorities to prevent its citizens from freely communicating and receiving information through TV, radio satellite broadcasting and the internet.

The increasing use of the death penalty by Iran as a means to intimidate the political opposition and in contravention to international minimum standards was an area of particular concern. The death penalty was imposed for acts that do not qualify as the most serious crimes, in violation of international law, such as those relating to drug trafficking or vaguely worded charges relating to national security, including *mohareb* ('enmity against God').

Of particular concern was the steep increase in the number of executions in 2010. The Iranian authorities acknowledged 252 executions, but according to credible estimates the real number was at least twice as high, including secret and public mass executions. At least one juvenile offender was executed and 143 juvenile offenders remained on death row. Death Sentences of death by stoning continued to be passed, though none were known to have been carried out. The case of Ms Mohammadi Ashtiani, who had been sentenced to death by stoning for adultery, was severely criticised by the EU (and the rest of the international community), which issued several statements calling on Iran to halt the execution and commute her sentence. On numerous occasions, the EU condemned cases of recent or imminent executions and called on Iran to halt capital punishment and establish a moratorium on executions with a view to abolishing the death penalty.

The EU spoke out consistently on Iran's human rights record on the occasion of Iran's Universal Periodic Review at the UN Human Rights Council on 14 February 2010. Iran also failed in its attempt to be elected as a member of the HRC. As in previous years, the EU fully supported the UN General Assembly Resolution on the situation human rights in the Islamic Republic of Iran, which was adopted with 78 votes in favour on 21 December 2010. The resolution urged the Government of Iran to fully cooperate with UN Special Mechanisms, which have not been able to visit the country in five years, and encouraged relevant thematic special procedure mandate holders to pay particular attention to the human rights situation in Iran.

### **5.5.3 Iraq**

Good governance, democracy, human rights and the rule of law remained key areas for EU relations with Iraq in 2010. The EU seeks to help build a climate for real human security in Iraq, underpinned by the rule of law and a culture of respect for human rights. The EU endorses a model of democratic government aimed at overcoming sectarian, ethnic and other divisions. The EU also continued to support Iraq in its implementation of its commitments on rule of law and human rights.

Through its Integrated Rule of Law Mission for Iraq (EUJUST LEX), the EU continued to provide mentoring and training to senior officials from across Iraq's police, judiciary and penitentiary services. These activities have taken place within EU Member States, but increasingly also within Iraq itself. Training has been focused upon a number of key areas including gender awareness, human rights, domestic violence, juvenile justice and planning. Practical work experience for Iraqi officials in Member States is also an important and well-received element of EUJUST LEX-Iraq's programme. EUJUST LEX-Iraq has started preparations that will allow the deployment of its personnel to Iraq which will result in a presence in Baghdad, Erbil and Basra in order to improve the visibility of the EU effort and provide training throughout the country.

The EU has also been involved through other projects in supporting the rule of law and human rights, including through support for refugees and internally displaced persons. In addition, good governance and rule of law are included in the priorities of the first ever EU-Iraq Country Strategy Paper 2011-2013, adopted in 2010.

In its dialogue with Iraq, the EU continued to voice its human rights concerns. The EU Delegation in Baghdad maintained regular contacts with the authorities as well as representatives of civil society and minorities and, together with the EU diplomatic missions, has continued the activities of the Human Rights Working Group (eg elaboration of a local strategy on torture in 2010). In particular the death penalty, situation of women and vulnerable groups in Iraqi society such as ethnic and religious minorities and homosexual men, the situation of detainees and the use of torture, have remained the main issues of EU concern. Universal Periodic Review at the UN Human Rights Council, which Iraq underwent on 16 February 2010, was an important opportunity for the EU to voice these concerns. The EU also followed very closely the situation of Camp Ashraf residents, maintaining its call for international human rights standards to be respected.

As regards the death penalty, the EU made a formal overall démarche to the Iraqi authorities, reiterating its grave concern at the death sentences passed and executions carried out in Iraq since their reintroduction in May 2009. The EU urged again the Government of Iraq to resume the *de facto* suspension of the death penalty, pending its legal abolition.

The Council of the EU addressed the issue of violence against religious minorities in November 2010. In its conclusions it stressed that a new Government in Iraq will need to rededicate itself to the pursuit of national reconciliation, representing the interests and needs and protecting the human rights of all Iraqis. It condemned terrorist attacks, in which scores of innocent civilians lost their lives and all incitement to and acts of violence including those motivated by religious ethnic hatred.



A new basis for EU-Iraq relations will be the Partnership and Cooperation Agreement (PCA), which includes a human rights clause as an essential element and establishes a framework for cooperation on human rights issues and to address various issues including the rule of law.

The EU dispatched an Electoral Assessment Team to Iraq for the general election held on 7 March 2010. Teams were deployed to Baghdad, Erbil and Basra.

#### **5.5.4 Saudi Arabia**

The EU has continued to address human rights in its relations with Saudi Arabia, in three of its five objectives: the death penalty, the human rights of women, and judicial reform.

On the death penalty, a decline was seen in the overall number of death sentences, possibly due to the encouragement of a culture of clemency by families who have waived their right under Islamic law to see the killer of their family member executed. The EU encouraged this trend in view of establishing at least a *de facto* moratorium and also raised the issue of death penalty for minors with relevant authorities. The number of crimes retaining the death penalty is a serious concern. Sorcery, drugs smuggling, homosexuality and apostasy technically carry the death penalty, although the vast majority of those executed in 2010 were convicted of murder. Saudi Arabia's position of the death penalty remains governed by its adherence to its understanding of Sharia law.

The guardianship system under which women need permission from a male relative to travel, work and study remains in place. The EU raised rights of the child and right of women, with a focus on child marriage. Though starting from a very low base, reform affecting the rights of women has received increasing government attention over the past couple of years. The EU has encouraged these steps and offered support.

The EU also carried out a démarche on arbitrary detention and emphasised breaches of the Kingdom's own criminal law and blatant miscarriages of justice and failures to observe due process (detention without official charges, no access to legal counsel, etc). The Saudi legal system, despite increased judicial training, failed to provide basic standards of international justice. The Saudi Human Rights Commission undertook an extensive programme of prison inspection in 2010. Formal démarche protests were delivered concerning custody rights for women and the case of Rizana Nafeek, a Sri Lankan national sentenced to death for killing a baby in her care.

### **5.5.5 Yemen**

The Human Rights situation in Yemen continued to deteriorate in 2010. Of particular concern was the excessive use of force against civilians in armed conflicts and anti-terrorism efforts, the absence of rule of law and an independent judiciary, arbitrary and unlawful killings and politically motivated disappearances, illegal detention and use of torture by security agencies, violations of freedom of expression and association as well as the discrimination of women and marginalised social groups. Another major concern were significant setbacks in the democratic process through the Government's failure to come to an consensus on the disputed constitutional and electoral reform. The Government showed some commitment in principle to international human rights instruments, but implementation continued to be poor; follow up to the 2009 UPR recommendations as well as the capacities of the Ministry of Human Rights remained weak.

Throughout 2010, a general deterioration of the human rights situation was witnessed, in particular increased restrictions on freedom of expression and impunity for security officials. The EU was active in seeking to reverse this negative trend, notably in addressing execution of death penalties for juvenile offenders through targeted démarches. An EU funded programme supported a general strengthening of the juvenile justice system.

Whilst recognising efforts made to date, the EU continued to stress the responsibility of the Government of Yemen to better ensure the protection and security of all citizens within its territory. Throughout 2010 the EU made numerous statements on Human Rights and Fundamental freedoms, and called repeatedly on all political actors in Yemen to resort to dialogue to find solutions for the long-standing political and economic crises in the country. The EU advocated deepening and consolidation of democracy through dialogue and a broad agreement on electoral reform, including the consideration of the recommendations made by the EU Election Observation Mission in 2006.

The EU remained concerned by the increased use of violence against civilian targets in the context of efforts to counter terrorism and armed conflicts. The EU welcomed the 2010 cease-fire in Sa'dah, but it also remained convinced that serious efforts towards reconstruction should be made to relieve the humanitarian situation of the civilian population in the northern area of the country, in particular the approximately 250 000 internally displaced persons.

## **5.6 Asia and Oceania**

### **5.6.1 Afghanistan**

The Human Rights situation in Afghanistan, including in areas such as justice and governance, women's and children's enjoyment of human rights, as well as fundamental freedoms such as freedom of expression and freedom of religion or belief continues to demand the international community's close attention and sustained effort.

Donors have made repeated commitment to support human rights in Afghanistan at successive international conferences. At the Kabul Conference in July 2010, the Government of Afghanistan undertook to produce National Priority Programmes (NPP), with dedicated implementation plans, for various sectors of government. The National Priority Programme for human rights and civic responsibilities is led by the Afghan Independent Human Rights Commission and is complemented by the Government's undertaking to carry out human rights, legal awareness and civil education programmes targeting communities across Afghanistan. Women played an active role at the Kabul Conference and a NPP has also been developed for "Capacity development to accelerate the implementation of the National Action Plan for Women in Afghanistan".

In its dialogue with the Government of Afghanistan, the EU has maintained its emphasis on the importance of national and international human rights obligations. Moreover, the EU consistently highlights the key role of Afghan civil society in promoting human rights and democratic reform in Afghanistan, and has provided support to this end through its financing mechanisms.

The EU Delegation continues to encourage women's participation in all sectors of society, including in the parliamentary elections and the peace process. EU provided political and financial support for the implementation of UNSCR 1325 and 1820 on women, peace and security. Some achievements include securing the participation of women representatives in the consultative Peace Jirga of June 2010 and the High Peace Council.

On 27 May 2010, the High Representative received Dr Soraya Rahim Sobhrang, Commissioner responsible for the human rights of women at the Afghan Independent Human Rights Commission.

An EU Electoral Assessment Mission was deployed during the 18 September Parliamentary Elections. It concluded that the conditions necessary to hold meaningful elections barely exist. Election Day was marred by a significant number of violent incidents and the security required to guarantee the realisation of people's basic political and civic rights was not provided in extensive parts of the country. Despite significant efforts by the Afghan authorities, notably the Independent Electoral Commission and the Electoral Complaints Commission, and commendable improvements in the administration of the election process at the central level, the persistent absence of voter lists, large scale and widespread fraud and lack of central control over parts of the country affected the conduct and credibility of the process. Nevertheless, the disqualification of candidates and officials for electoral fraud and the annulment of more than 1.2 million disputed votes marked a welcome step away from the culture of impunity for electoral crimes. The Government's failure to fully recognise the final election results and the subsequent creation of a special election tribunal, with no basis in the Constitution, challenged the independence of the electoral authorities and further impeded the build up of robust democratic institutions.

The EU remained a key donor in Afghanistan. Since it began its activities in Afghanistan in 2002, the EU has been closely involved in the reconstruction of the state and its institutions. Since 2002, more than €2 billion have been committed to the reconstruction and strengthening of the Afghan state. This includes substantial support to strengthen human rights as well as civil society in Afghanistan. Under the new Multi-annual Indicative Programme 2011-13, support worth €600 million is foreseen. One of the three focal areas of support will be support to governance reform (Justice Sector Reform, Public Administrative Reform and Sub-national Governance). Programmes, such as the European Instrument for Democracy and Human Rights (EIDHR) directly supports human rights and civil society while there is also support for social protection of the most vulnerable.

## 5.6.2 Bangladesh

The Awami League came to power in 2009 with the promise to implement a progressive human rights policy. The Awami League's Election Manifesto referred to issues such as the independence and impartiality of the judiciary, stopping extrajudicial killings, the empowerment of women and the need to respect the rights of persons belonging to minorities. At the beginning of its tenure, Bangladesh went through the Universal Periodic Review by the Human Rights Council in February 2009. While the EU welcomed the open approach of the government during the UPR process, it has also monitored the human rights challenges that the country is facing.

In January, prior to the executions of the five convicts for the murder of Sheikh Mujibur Rahman, the Founding Father of the Nation, the EU Delegation issued a Declaration on behalf of the High Representative on the trials for politically-motivated murders in Bangladesh. In this declaration, it expressed the EU's opposition on principle to the death penalty in all cases and circumstances.

In February, following an outbreak of violence in the Chittagong Hill Tracts which led to a number of deaths and arson attacks against some 500 houses belonging to indigenous people, the Spokesperson of the High Representative issued a Statement in which it called upon the Government to investigate the matter, bring the culprits to justice and take measures to implement the CHT Accord.

In March, Bangladesh ratified the Rome Statute on the International Criminal Court, becoming the first country in South Asia to do so. The High Representative issued a statement congratulating Bangladesh on this decision and expressing the hope that this example would be followed by other countries in the region.

The most recent meeting of the EU-Bangladesh Joint Committee was held in May 2010. The meeting addressed a number of matters relevant to human rights, including the follow up to the recommendations of the Universal Periodic Review 2009, institutional and social reforms, the situation in the Chittagong Hill Tracts and the treatment of the Rohingya migrants from Burma/Myanmar in the region of Cox's Bazar. The EU's political dialogue on these matters, which is followed up by its representatives in Dhaka, is reinforced by the fact that it supports projects in all these fields.

### **5.6.3 Burma/Myanmar**

The EU remained seriously concerned over the grave violations of human rights in Burma/Myanmar. It repeatedly voiced its concern in international forums and urged the authorities to improve the situation. Widespread and systematic violations of human rights and fundamental freedoms were highlighted in detail in the reports issued by UN Special Rapporteur on Human Rights, Tomás Ojea Quintana, in March and October 2010. The EU has worked for the renewal of his mandate and helped secure a resolution at the UN Human Rights Council in March 2010 and a Third Committee country resolution in the autumn of 2010, condemning the continuing grave and systematic violations of human rights and discrimination against ethnic groups and calling on the authorities to take urgent steps to end the culture of impunity. Human rights concerns were also raised directly with the authorities, particularly in preparation of the Universal Periodic Review in early 2011.

In November 2010, Burma/Myanmar conducted the first elections in 20 years as part of the former military Government's "roadmap" to "disciplined democracy". The High Representative issued a statement after the elections regretting that the authorities had not taken the necessary steps to ensure a free, fair and inclusive electoral process. Pro-democracy leader Aung San Suu Kyi was released from house arrest shortly after the elections, but the EU noted with concern that more than 2000 political prisoners remained incarcerated. This undermines the inclusivity of the political process which is seen by the EU as a precondition for a credible transition. Armed conflict continued between the army of Burma/Myanmar and some ethnic groups in the border areas, leading to gross human rights violations, internal displacement and refugee flows into Thailand.

During 2010, the EU continued to use all diplomatic tools at its disposal to put pressure on the government to investigate for human rights abuses. The EU also raised Burma/Myanmar in all relevant international forums (UN, ASEAN, ARF, ASEM, etc.). The EU and its Member States also continued to support the work of the UN Secretary General's 'Good offices mission to Myanmar' and welcomed UN efforts to improve the human rights situation.

Although the EU maintained restrictive measures in 2010 with regard to Burma/Myanmar, it also remained the largest donor of humanitarian and development assistance to the country, in order to help alleviate deep-rooted structural poverty and the effects of the regime's management. Nevertheless, Burma/Myanmar continues to be the lowest recipient of ODA with an estimated US\$ 5 per capita in 2010, far below neighbouring countries such as Laos (US\$ 41) and Cambodia (US\$ 32). Good governance and rights-based approaches are built into all EU's aid programmes.

Moreover, the EU has pro-actively built links with civil society and sought dialogue with reform-minded parts of the civilian administration in Burma/Myanmar, engaging the Government over its responsibility to attain the Millennium Development Goals.



#### 5.6.4 Cambodia

The EU supported financially the national side of the Extraordinary Chambers in the Court of Cambodia (ECCC) and welcomed the historic judgment sentencing Kaing Guek Eav, alias Duch, to 35 years imprisonment.

In 2010 the EU expressed appreciation for the endorsement of five key legal texts and stressed that three further fundamental laws need to be promptly adopted, namely: the Law on the Statute of Judges and Prosecutors, the Law on Organisation and Functioning of the Court and the Law on Amendment to the Law on Supreme Council of Magistracy, which are particularly important to promote the independence and transparency of judiciary. During the preparation of the draft law on Non Governmental Organisations and Associations, the EU recommended that the Government consult widely with stakeholders on the draft, and produce a law that fosters the development of civil society.

The EU welcomed the acceptance of all recommendations of the UN Universal Periodic review. The EU continued working with the Office of the High Commissioner for Human Rights (OHCHR) to support CHRC to implement the recommendations and supported the OHCHR and the Special Rapporteur in undertaking their work more broadly.

The EU tracked concerns with restrictions on freedom of expression affecting opposition politicians, civil society representatives and journalists. An often used tool was the new Penal Code's provisions on defamation and incitement. The EU expressed its concern at several cases involving *inter alia* Mr Sam Rainsy, leader of the opposition, opposition MP Ms Mu Sochua and NGOs such as LICADHO.

An EU-Cambodia Civil Society Seminar on Human Rights Defenders and Civil Society was organised in September 2010 in Phnom Penh with over 170 participants representing various stakeholders from across Cambodia.

Land evictions, lack of recognition of the rights of persons belonging to ethnic minorities, Economic Land Concession, Social Concessions and Natural Resources Management have raised strong concerns to the EU. The EU is more and more concerned about the negative effects of land evictions for both sustainable development and social cohesion. Several cases were raised with the Government at the last Joint Committee in October 2010 and at the Sub-Group on Institutional Reforms, Governance and Human Rights, in particular concerning sugar sector.

Other important challenges remain on the improvement of the prison conditions and the lack of independence of the judiciary.

Following the EU Election Observation Mission in 2008 and the recommendation in view of the next elections (communes in 2012 and General Elections in 2013, and prolonged TA to the National Election Committee, the EU stressed that future TA to Cambodia will be subject to real tangible outcomes including concrete follow-up to the recommendations made by the 2008 EU mission.

In 2010 there were 14 projects implemented in Cambodia under the European Instrument for Democracy and Human Rights, *inter alia* addressing issues affecting indigenous people, land rights, women's and children's enjoyment of their human rights, juvenile justice, civil society, and trafficking in human beings.

## 5.6.5 China

The EU followed with concern the human rights situation in China in 2010 and deplored violations in a number of areas, including the rule of law, freedom of expression, association and religion, the rights of persons belonging to minorities and continued extensive application of the death penalty.

Although the EU-China human rights dialogue usually takes place twice each year, in 2010 only one round of the EU-China human rights dialogue took place, in June in Madrid, as China unilaterally cancelled the round which should have taken place in Beijing during the second semester. An EU-China legal experts' seminar was held immediately before the Madrid dialogue on the themes of the role of national human rights institutions in promoting economic, social and cultural rights, and on freedom of information and the right to privacy.

The dialogue itself dealt with the implementation of the Chinese Human Rights Action Plan, the role of lawyers, the situation in Tibet and Xinjiang, North Korean refugees, internet freedom and the ratification by China of the ICCPR. The EU and China also discussed the protection of human rights during the financial crisis, and issues concerning criminal punishment, including the death penalty, reform of the Re-education through Labour system, detention in psychiatric institutions and harassment of petitioners. The dialogue was preceded by a side visit to a refugee reception centre. The EU handed over a list of individual cases of concern in the margins of the dialogue; the Chinese authorities have not yet provided a reply.

The EU completed, in consultation with the European Parliament and civil society, an evaluation of the dialogue and opened discussions with China on the implementation of the recommendations of this evaluation.

Following statements in 2009 condemning the arrest and trial of Liu Xiaobo, officials from the EU Delegation to China and from EU Member State embassies attempted to observe Mr Liu's appeal against his conviction on 11 February but were refused entry to the courtroom. The EU subsequently condemned the verdict as entirely incompatible with Mr Liu's right to freedom of expression, and reiterated its call for his immediate release as well as an end to the harassment and detention of other authors of Charter 08. Following the award of the 2010 Nobel Peace Prize to Liu Xiaobo, the Commission President and the High Representative issued statements welcoming the award. An official of the EU Delegation attempted to deliver these messages in person to Liu Xia, the wife of Liu Xiaobo, but was prevented from entering her apartment block.

The Chinese authorities continued to restrict freedom of expression, including the use of new technologies, and freedom of association. The EU voiced its concerns to the Chinese authorities concerning the imprisoned Sakharov Prize Laureate Hu Jia, as well as several other human rights defenders, such as Chen Guangcheng and Liu Xianbin. On 9 February 2010, the High Representative issued a statement expressing concern that the prominent human rights lawyer Gao Zhisheng had been missing for over one year and called on the Chinese authorities to clarify his situation. The EU also expressed its concerns regarding harassment and closure of civil society organisations.

The EU stressed the importance it attached to the rule of law, notably concerning the regulation of the legal profession and the ability of lawyers to discharge their professional duties without interference. In view of concerns at ongoing intimidation of lawyers, on 22 April 2010 officials from the EU Delegation and Member State embassies attempted to attend the hearing at the Beijing Bureau of Justice which led to the permanent disqualification from the legal profession of human rights lawyers Tang Jitian and Liu Wei, but were prevented from entering the hearing.

The extensive use of the death penalty remained an issue of concern. The EU encouraged China to reduce the number of criminal offences subject to capital punishment and to increase the transparency of the trial and review processes.

The EU continued to follow the consequences of the events in Lhasa on 14 March 2008. During a working level mission to the Tibetan Autonomous Region in July 2010, the EU raised a variety of issues concerning the treatment of the Tibetan minority. The EU continued to pay close attention to developments in the Xinjiang Uighur Autonomous Region.

At the 14th and 15th sessions of the UN Human Rights Council, as well as at the Third Committee of the UN General Assembly, the EU issued statements reiterating its concerns regarding the deterioration in China in the rule of law, press freedom and freedom of expression, as well as increased restrictions imposed on human rights defenders. The EU also deplored violations of the rights of persons belonging to ethnic and religious minorities, and called on China to ratify the ICCPR.

#### **5.6.6 Democratic People's Republic of Korea (DPRK)**

The EU remained seriously concerned over the grave violations of human rights in Democratic People's Republic of Korea (DPRK). It repeatedly voiced its concern in international forums and urged Pyongyang to improve the situation. In March 2010, the EU played an important role in the adoption by the UN Human Rights Council of the resolution extending for another year the mandate of the UN Special Rapporteur on the situation of human rights in DPRK. On 21 December 2010, the UN General Assembly adopted a resolution initiated by the EU, Japan and the Republic of Korea on the human rights situation in DPRK. Human rights concerns were also raised directly with the DPRK authorities by the resident ambassadors of the EU Member States in Pyongyang and during meetings with DPRK officials in Brussels and in other EU Member States.

During the regular official EU visit to Pyongyang at regional director level in November 2010, the EU called upon the DPRK to respect fully all human rights and fundamental freedoms and to address the recommendations of relevant UN Resolutions. The EU encouraged Pyongyang, as a matter of confidence-building, to cooperate fully with the UN human rights mechanisms, including by granting the Special Rapporteur full, free and unimpeded access to the DPRK. The EU also encouraged Pyongyang to engage in a meaningful dialogue on human rights with the EU and its Member States. The EU reiterated its willingness to establish bilateral dialogue with DPRK on human rights, which would offer expertise and constructive cooperation in specific areas of human rights. The EU expressed its deep concern over the fact that in DPRK citizens are still being sentenced to death and executed. The EU urged Pyongyang immediately to put an end to the systematic, widespread and grave violations of civil, political, economic, social and cultural rights; to protect its inhabitants, to address the issue of impunity and ensure that those responsible for violations of human rights are brought to justice before an independent judiciary; to ensure full, safe and unhindered access to humanitarian aid and to allow humanitarian agencies to secure impartial delivery of aid. The EU urged DPRK to tackle the root causes of refugees and to ensure that any refugees returned to DPRK are able to return in safety and dignity.

In separate démarches at various levels, the EU has continuously asked Beijing to show leniency to DPRK citizens who cross the border into China in search of food, and to reconsider its policy concerning these refugees who face capital punishment if returned to the DPRK.

The constructive involvement of the DPRK in the Universal Periodic Review in 2009 was not followed by implementation of any of the 117 recommendations made. However, some positive steps with regards to the rights of the child as well as concerning the rights of people with disabilities were noted. The EU continued to monitor closely the food shortage in DPRK and remained ready to provide food aid in case of crisis.

### 5.6.7 Fiji

The military regime of Commodore Bainimarama consolidated its grip on power following the abrogation of the Constitution in April 2009 after the appeals court had ruled illegal the appointment of the military-led Government after the coup in 2006. The Public Emergency Regulations introduced in 2009, which severely restrict assembly and limit media freedom, were extended on a monthly basis throughout 2010. There were frequent reports of arbitrary detention, harassment and intimidation of dissidents. Although a National Dialogue Forum between the Government and civil society was announced to begin in February 2010, by the end of 2010 it had not started. A media decree adopted in June 2010 consolidated and strengthened censorship of the media. Fiji remained suspended from the Pacific Island Forum and the Commonwealth.

As a reaction to the 2006 coup and Fiji's subsequent failure to meet agreed commitments on democratic principles, human rights and rule of law, the EU decided in 2007 to withhold development assistance (with limited exceptions) under the Cotonou Agreement (European Development Fund) and the Development Cooperation Instrument. The decision, originally valid for two years, has been extended several times and remained in place throughout 2010. At the same time, during bilateral meetings, regular political dialogue sessions in Suva under Article 8 of the Cotonou Agreement and in an EU statement of 16 July 2010 on the expulsion of the acting Australian High Commissioner, the EU encouraged the regime to emerge from its isolation by taking the first steps towards engaging in meaningful dialogue, swiftly restoring democracy to Fiji and repealing the Public Emergency Regulations.

At the UN Human Rights Council Universal Periodic Review of Fiji in February 2010, several EU Member States expressed deep concerns regarding the military authorities' denial of human rights, referring in particular to reports of arbitrary detention, and intimidation and harassment of human rights defenders and political opponents.

### 5.6.8 India

The EU in 2010 continued closely monitoring human rights in India in pursuance of its human rights guidelines, interacting with civil society and Governmental agencies on alleged abuses, and providing assistance to human rights NGOs and individual Human Rights Defenders.

EU counsellors visited the state of Orissa in February 2010 in relation to violent acts perpetrated against Christians and EU Heads of Mission had the opportunity of appraising themselves of human rights issues in Jammu and Kashmir during their annual visit to that region.

The EU-India Human Rights Dialogue is a constructive and beneficial means of mutual engagement. The 2010 meeting took place on 25 March in New Delhi and covered issues such as multilateral issues (including the Human Rights Council), death-penalty, torture, the International Criminal Court as well as bilateral issues, such as the assessment of the ad-hoc dialogue mechanism, human rights and counter-terrorism, the rights of persons belonging to minorities, women's and children's enjoyment of their human rights, child rights, descent-based discrimination and human rights defenders.

The death penalty was subject to an EU diplomatic démarche and a seminar organised in October 2010 by the Embassy of France. Discussion continued with the Government, in the context of the human rights dialogue held in March 2011, on the adoption of the Prevention of Torture Bill and concerns related to security legislation.



With respect to Human Rights Defenders in particular, the EU reviewed its local strategy, continued engaging with the Indian administration on a list of priority cases (and observed the trial of Dr Binayak Sen), held an annual workshop, and funded a project on a people's tribunal addressing the issue of torture affecting HRDs and a specific HRD case. Interaction with Women Power Connect organisations continued.

In addition, the EU financially supported a number of initiatives on a range of human rights concerns, including trafficking of women and children, prevention of torture, rights of marginalised and socially excluded groups, rights of workers in the informal sector and access to justice.

### **5.6.9 Indonesia**

The comprehensive Partnership and Cooperation Agreement (PCA) signed by the EU and Indonesia on 9 November 2009 has led to establishment of a structured Human Rights Dialogue. On the occasion of the signature of the PCA, Indonesia and the EU identified human rights and democracy as one of the priorities for strengthened cooperation pending ratification of the Agreement.

The first round of the Human Rights Dialogue took place in June 2010 in Jakarta. It provided valuable opportunities to discuss issues of concern such as non discrimination, freedom of religion and belief and the rights of persons belonging to religious minorities, the rights of detainees and prisoners, the rights of women, the rights of LGBT persons, and the right to education. Furthermore, in June 2010, the EU organised a conference entitled "Islam in a Globalising World", which brought together over 150 participants from government, civil society and the media who provided insightful analysis about Muslim communities in Europe and Indonesia and the contribution of Islam to global debates on human rights, democracy and climate change.

Nine human rights projects are currently being supported through the EIDHR, covering concerns such as torture, and the effective enjoyment by women and children of their human rights. The EU policy guidelines on human rights have been translated into Bahasa and are being widely disseminated.

The EU closely monitors through regular missions the human rights situation in particularly sensitive areas such as Aceh and Papua, where there are specific concerns regarding truth and reconciliation processes and issues linked to the special autonomy that has been accorded to those provinces.

EU missions in Jakarta have established a dedicated task force on human rights composed of the political counsellors of the EU Delegation and Member State embassies.

Indonesia has also been instrumental in setting up the new ASEAN Intergovernmental Commission on Human Rights. To offer a lead within ASEAN it appointed an independent member of a leading Indonesian NGO as its representative in the Commission.

### **5.6.10 Japan**

While the number of execution fell in 2010 compared to 2009 (two compared to nine), the EU continued to follow the issue closely and issued a statement expressing concern in July 2010. The EU has on several occasions recalled its principled position on the death penalty while encouraging Japan to adopt a moratorium as a first step and recognise the international trend towards abolition. The EU and individual Member States have organised several meetings and conferences on the death penalty with members of the Japanese Government, parliamentarians and NGOs.

The EU and Japan also jointly organised a seminar on individual rights of complaint under UN Human Rights Treaties to share best practice and contribute to Japan's ongoing preparatory to ratify a number of the protocols. The EU and Japan continued their twice-yearly consultations on human rights in Geneva and Brussels.

### **5.6.11 Laos**

Progress in strengthening the dialogue on governance and human rights has continued, with a seminar held on the Universal Periodic Review of Laos, and with preparations for the EU/Lao Working Group on Human Rights and Joint Committee (held in early 2011). The controversial issue of the Hmong refugees with POC status refouled from Thailand has in the course of the year been resolved by their discreet departure to receiving countries. Good progress on governance issues was noted by many partners at the Round Table in 2010 and in particular the conclusion of the UPR and encouraging results from the EU/UN projects "Strengthening the National Assembly" and the "International Law". Democratic change has been slower, with no obvious progress in terms of the electoral process (one party state), nor on speeding up the registration of civil society organisations.

## 5.6.12 Malaysia

In 2010 the EU and Malaysia started negotiating a Partnership and Cooperation Agreement, which will include provisions on human rights. Malaysia also agreed to engage with the EU in discussions on human rights at a local level. The first such meeting took place in early 2011 with a focus on women's and children's enjoyment of their human rights. In 2010 the European Parliament condemned Malaysia in two resolutions: one on religious freedom after places of worship suffered arson attacks as a reaction to a High Court decision on the usage of the word 'Allah' by Malaysia's Christian communities, and one on caning practices in immigration detention centres.

The UN Working Group on Arbitrary Detention visited the country and had access to detention facilities. Their report highlighted incisive critique of conditions and recommended the repealing of preventive detention laws, such as the Internal Security Act, which permit detention without fair trial and which limit access to legal counsel and family members.

The EU continued to closely follow the ongoing sodomy trial of *de facto* opposition leader Anwar Ibrahim. Démarches were delivered on Malaysia's accession to the Rome Statute of the International Criminal Court (ICC) with a likely positive outcome in 2011. In March 2010 the first meeting with human rights defenders took place. In October 2010 the EU marked the World Day against the Death Penalty by organising an informal lunch with the National Human Rights Commission and NGOs. The Delegation's annual human rights seminar focused on the situation of Malaysia's indigenous peoples who comprise approximately 12 % of the total population, representing 3.2 million people. The EU's local Human Rights Working Group also visited such communities. The EU further strengthened its collaboration with the National Human Rights Commission (SUHAKAM).

### 5.6.13 Nepal

At the political level, the EU engaged in ongoing advocacy with the Government and consistently reminded all parties to the conflict about the need to bring to account perpetrators of human rights violations and address emblematic cases of human rights abuses, committed both during and after the conflict, which highlight the continuing impunity for such crimes. In preparation of Nepal's Universal Periodic Review of Human Rights in 2011, the EU further advocated with the Government regarding the improvement and adoption of several draft bills to establish transitional justice mechanisms which are pending in Parliament.

Locally, the EU continued to coordinate and monitor the human rights situation in Nepal, in particular the fragile condition of Human Rights Defenders. A mission of the Kathmandu-based EU Working Group for the protection of Human Rights Defenders was carried out to the Far Western Region of Nepal to gather first-hand accounts of the challenges faced by Human Rights Defenders and show support to their work.

The EU provided financial support to various NGOs and INGOs to implement Human Rights and democracy related initiatives in Nepal. Projects were funded under the European Instrument for Democracy and Human Rights (EIDHR) and under the 'Investing in People' thematic programme. Two new projects which are being implemented since 2010 - one project under the EIDHR global call (EU commitment €360 000) and one from the global call (EU commitment €575 000) - continued to address the issue of children and families affected by armed conflict in Nepal. Another project (EU Commitment €857 000) selected from the global call addressed the issues of protection and promotion of diverse culture. In 2010, 10 new contracts were signed under the EIDHR Country Based Support Scheme (CBSS) (EU Commitment €900 000), which largely focus on the protection and promotion of Human rights and consolidation of democracy.

In 2010, the EU Delegation to Nepal organised a workshop to mark the International Day of the World's Indigenous People.

#### **5.6.14 Pakistan**

The EU seeks to cooperate with Pakistan in the field of improving law enforcement; progress in this area is expected to produce positive results for the effective protection of human rights. It has also launched a project in support of the recommendations of the 2008 EU Electoral Observation mission.

The Third Generation Cooperation Agreement (2004) between the EU and Pakistan includes an essential clause on human rights. The EU has also consistently used its political dialogue with Pakistan to raise human rights issues. On 24 March 2010, the third round of the Sub-Group on Governance, Human Rights and Migration between Pakistan and the EU took place in Islamabad. The EU-Pakistan human rights dialogue was held in a collaborative and open atmosphere. Discussions addressed the implementation of the recommendation of the 2008 EU Election Observation Mission, the EU's project of assistance to Parliament, capacity building in governance, the signature and ratification of international human rights instruments, the cooperation in the field of Human Rights, as well as the Readmission Agreement and Legal Migration. The dialogue was preceded by a meeting with civil society organisations in Brussels and Islamabad.

The blasphemy laws and the misuse of these laws have repeatedly been brought up by the EU with the Government of Pakistan as part of the human rights dialogue. The High Representative in a statement of 12 November 2010 expressed her deep concern over the conviction of Asia Bibi, who was convicted to death on charges of blasphemy by a court in central Punjab.

The High Representative condemned sectarian attacks against sites of religious worship and pilgrimages, such as the attacks against two mosques of the Ahmadi sect in Lahore killing more than 70 persons (statement of 28 May), on a Sufi shrine in Lahore killing more than 50 people (statement of 2 July), the suicide attacks on a Shia procession in Lahore killing more than 30 people (statement of 2 September) and against a mosque in Darra Adam Khel in northwest Pakistan (statement of 5 November). The EU expressed concern at these attacks and urged the Pakistani authorities to swiftly bring to justice those responsible. The EU statement at the 14th Human Rights Council in Geneva (31 May-18 June 2010) explicitly referred to the situation of persons belonging to minorities in Pakistan.

The security of activists and journalists addressing human rights issues remained a serious concern.

The EU welcomed the ratification by Pakistan on 4 June 2010, on the eve of the second EU-Pakistan Summit, of two core international human rights instruments, the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture (CAT). The EU has however deep concerns over the nature and extent of the reservations lodged by Pakistan and has communicated these concerns to the Pakistan authorities.

The third meeting of the EU-Pakistan Joint Committee took place on 25 March 2010 and was preceded by a sub-group on governance, human rights and migration on 24 March. The meeting served to discuss various human rights issues, among which in particular the issue of freedom of religion and rights of persons belonging to minorities.

At the second *ad hoc* EU-Pakistan Summit held in Brussels on 4 June 2010, both sides reaffirmed their determination to jointly address regional and global security issues, to promote respect for human rights and to cooperate further to strengthen Pakistan's democratic Government and institutions. Following the understanding reached at the first Summit to initiate a strategic dialogue and to strengthen cooperation in key areas of mutual interest, among which the promotion of good governance and human rights, the EU and Pakistan agreed to reinforce this commitment by drawing up a 5-year Engagement Plan which will outline specific targets for joint actions.

On 10 December 2010 the EU, on the occasion of a human rights day event in Islamabad, launched a local strategy for human rights defenders in Pakistan, considering that these individuals play an important role in the evolution of democracy and respect for human rights in Pakistan.

### **5.6.15 Philippines**

The human rights situation remained the focus of EU policy vis-à-vis the Philippines. The EU has welcomed commitment by the new Philippine President and his Administration to address human rights situation in the country, in particular, as a priority, the issue of extra-judicial killings, eradicating the culture of impunity and to progress on Mindanao Peace Process and CPP/NDF peace talks.

In 2010, the EU concluded negotiations of the Partnership and Cooperation Agreement, which contains strong provisions on human rights, including on the establishment of a human rights dialogue.



In 2010, the EU continued to provide technical assistance to the Philippines to address the issue of extra-judicial killings and enforced disappearances. In particular, the EU contributed to enhance the capacity and effectiveness of the Philippines criminal justice system, the Philippine Commission on Human Rights and civil society organisations.

The EU welcomed the progress in the Mindanao Peace Process. Taking into account its momentum and on the invitation of parties involved, the EU accepted to participate in the International Monitoring Team (IMT) by leading the Humanitarian, Rehabilitation and Development component of the IMT. The EU continued to support through a non-governmental organisations the efforts on the ground to help promote dialogue and confidence-building in Mindanao.

The EU continued to encourage the Philippines to ratify the Rome Statue of the International Criminal Court and welcomed support of the Government of the Philippines to this body.

The EU encourages the Philippines to promote and support human rights in the region. The effective ASEAN Intergovernmental Commission on Human Rights is instrumental in this regard.

### 5.6.16 Sri Lanka

The human rights situation in Sri Lanka has been a matter of serious and increasing concern over the last years, especially during the final phase of the long running armed conflict between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE or “Tamil Tigers”), which ended in May 2009. In 2010, the number of reported human rights violations fell as the security situation in the country improved. However, the overall human rights situation in Sri Lanka remained a concern with a number of serious violations such as disappearances, reports of torture, extra-judicial arrests, legal obstacles to fair and due process in particular for individuals suspected of involvement with the LTTE. There have also been cases of alleged harassment and threats to journalists and opposition politicians who have been critical of the Government and have pointed out to individual human rights issues. Restrictions to freedom of expression also remained a serious concern.

In 2010, the human rights contacts between the EU and Sri Lanka were conducted mainly in the framework of an investigation on Sri Lanka's compliance with the ratification and implementation of international conventions which was necessary for it to continue benefiting from the GSP+ preferential tariff concessions. These investigations concluded that three core human rights conventions were not being effectively implemented. The Sri Lankan authorities did not agree to cooperate with the EU during the investigation, although they did subsequently participate in high level discussions during the “grace period” before the benefits were withdrawn, which ultimately took place in August 2010.

The EU Delegation in close cooperation with Member States' missions devoted special attention to the promotion of human rights and fundamental freedoms. The adoption and active implementation of EU Guidelines on Human Rights, including through the use of human rights-related instruments (EIDHR, IfS) and programmes (Non-State Actors) have been useful in coordinating, advocating, monitoring and sharing information among the EU missions, as well as supporting human rights defenders and maintaining regular, close and sustainable contacts with local actors in the human rights field.

### **5.6.17 Thailand**

The protracted colour-coded political conflict ignited following the 2006 military coup, escalated, in March-May 2010, into the most violent crisis in decades posing significant human rights challenges. Altogether, 92 people were killed and up to 2 000 were injured during the opposition's two-month street demonstrations. At the height of the political violence, the High Representative issued a public statement expressing her grave concern and calling different parties to take prompt and concrete measures in ending the violence. The EU welcomed the Royal Thai Government's initiative to launch a national reconciliation process.

The insurgency movement in the South has continued unabated throughout the year, resulting in serious human rights infringements by both insurgents and the State, including the army and the police. The long-standing conflict has claimed more than 4 600 lives since 2004.

As in previous years, the EU has continued to voice its concern over the restrictions on freedom of expression, the inadequate protection of Human Rights Defenders, the rights of refugees, the continued use of the death penalty and the functioning of the judiciary. The significant increase of lèse majesté cases in 2009-10 to suppress political dissent and the increasing control over the media during the State of Emergency (imposed from April to December 2010) were particular areas of concern.

The promotion of human rights remained an important part of the EU's relations with Thailand throughout 2010. The EU pursued its two-pronged approach consisting of regular and constructive dialogue with major stakeholders (the government, civil society and UN organisations) complemented by cooperation projects with civil society and human rights-related NGOs. In addition, the EU continued its visits to the South and observed several court hearings of prominent human rights cases. Moreover the EU has closely followed the preparations for Thailand's Universal Periodic Review, due in October 2011 in Geneva.

### **5.6.18 Timor Leste**

Timor Leste has made steady progress in strengthening democracy and human rights against a background of important challenges this young and still fragile country is still facing. The country has had to building its institutions from scratch. This is a long-term task and in particular the justice sector needs to be continued to be reinforced and the professionalisation of army and police will have to continue for the foreseeable future, not least as incidents of excessive use of force are frequently reported. Domestic and gender-based violence remains a concern, but the promulgation of the law against domestic violence is a major step forward. Given its recent history the difficult issue of dealing with the serious crimes of the past remains a challenge and there is a sense that impunity persists.

The EU in its statements at the UN Security Council Debate on the situation in Timor-Leste on 23 February and 19 October 2010 welcomed the positive developments regarding democratic governance, the rule of law and human rights. The EU highlighted these steady improvements of the situation in Timor - all the more commendable in the light of the country's short and violent history, while recalling that human rights abuses by security forces and reported incidents of gender-based violence remain a concern. At these occasions the EU also recalled that accountability for past human rights violations plays a critical part in building sustainable peace and that redressing past human rights abuses help re-establish and reinforce the rule of law and should therefore remain a priority. The EU underlined the need to strengthen the institutional framework, including through security sector reforms, which are key to consolidating peace and stability of the country. The EU has also encouraged Timor Leste to act on the recommendations of the 'Commission of Truth and Friendship' and the 'Commission of Reception, Truth and Reconciliation' in addressing past injustice and violence against population.

### **5.6.19 Vietnam**

In order to contain all forms of public discontent, all the more so in the run-up to the 11th Party Congress of January 2011, the recent steady decline in freedom of expression continued in 2010 as the Government maintained repression of peaceful dissent. A significant number of pro-democracy activists and human rights defenders were arrested and sentenced to long prison sentences. These individuals were arbitrarily detained, sometimes mistreated during arrest or detention, and denied the right to a fair trial. The EU sent representatives to a number of trials and repeatedly raised its serious concerns with the Government. In January 2010, EU Heads of Missions in Hanoi released a public statement expressing deep concern about the sentences delivered in the high-profile trial of four human rights defenders.

Through its regular human rights dialogue and technical assistance, the EU has tried to help professionalise the judicial system and ensure that legislative work on the media and on civil society organisations leads to an environment that is in line with Vietnam's commitments under the ICCPR to which it is a party. Human rights dialogues remained the main channel of discussing human rights with Vietnam. There are two EU-Vietnam human rights dialogues: a biannual local human rights dialogue conducted by EU Ambassadors, the last round of which took place in December 2010 in Hanoi, and a Joint Committee Sub-Group on Cooperation in Institution Building, Administrative Reform, Governance and Human Rights, which last took place in October 2010 in Hanoi. The EU continued the implementation of projects focusing on the promotion and protection of human rights, including on the rights of the child, workers' rights, the rights of persons with disabilities.

The new Partnership and Cooperation Agreement (PCA) between EU and Vietnam was initialled during the ASEM Summit on 4 October 2010. This agreement contains an "essential elements" human rights clause (see section 2.5), a human rights cooperation clause, an article on gender equality and provisions on the International Criminal Court.

## **5.7 The Americas**

### **5.7.1 Canada**

The EU and Canada held bilateral human rights consultations in Ottawa on 25 January 2010 and in Brussels on 10 September 2010. These meetings provided opportunities to review international human rights priorities, the review of the UN Human Rights Council and work in the UNGA Third Committee (where Canada sponsored a resolution on the human rights situation in Iran). Canada also briefed the EU on national policy priorities, including issues such as internet freedom.

At the UN General Assembly Canada voted in favour of the resolution calling for a moratorium on the use of the death penalty, though it decided not to co-sponsor it. In November Canada endorsed the UN Declaration on the Rights of Indigenous Peoples, which the High Representative Ashton welcomed in an official statement.

### **5.7.2 USA**

Bi-annual human rights consultations with the U.S. were held on 29 January and 14 September 2010. They were complemented by a dialogue on counterterrorism and international law with the State Department's Legal Adviser Harold Koh. At the multilateral level U.S. membership in the UN Human Rights Council and its engagement in the UNGA Third Committee allowed for a dynamic partnership which has been pivotal to several outcomes (see 4.2, above).

The top concern from the EU point of view remains the death penalty. 46 people were executed in 2010. In 10 cases, following the criteria set out in the EU Guidelines for Intervention on Death Penalty Cases (2008), the EU issued statements. These were made either through the Head of the EU's Washington Delegation – directly addressing the authority invested with the power to stay the execution (governor, board of parole) – or through the EU Representation to the OSCE in Vienna. In two of those ten cases, the death penalty was not carried out.

In 2010 the EU supported six civil society organisations through EIDHR grants, including the American Bar Association, which campaigned for the abolition of capital punishment in the U.S. In parallel the EU continued its own campaign against the death penalty in the U.S. In 2010 the State of New Jersey abolished the death penalty, following the example of New Mexico in 2009, and setting the scene for the State of Illinois (which abolished the death sentence in March 2011).

EU Member States as well as the EU continued to press the United States for implementation of the ruling by the International Court of Justice on foreign nationals' consular rights before U.S. courts ("Avena" decision). A legislative proposal by the Administration to that effect was included in the State Department budget appropriation bill and brought before Congress in June. However, in the rush of year-end Congressional deliberations the proposal was not retained.

The issue does not solely affect citizens from EU Member States. In Texas fifty Mexicans sit on death row, who have petitioned the U.S. Supreme Court claiming insufficient access to consular advice, if any at all. One of the petitioners has since been executed.

The EU continued to press for the closure of the U.S. military Guantánamo Bay detention facility. A legal review of the situation by the Obama Administration yielded little progress. The process has almost come to a halt with the adoption of the 2011 National Defence Authorisation Act on 7 January 2011, in which Congress cut all funding for any transfer of Guantánamo prisoners to the territory of the United States or for their trial in U.S. federal courts. Similar language in the 2012 National Defence Authorisation Bill notwithstanding, the Administration's commitment to the eventual closure of the detention facility remains on record.



### 5.7.3 Latin America and the Caribbean

Partnership between the EU and the countries of Latin America and the Caribbean (LAC) exists since 1999 and is renewed in biennial Summits. The last one took place in Madrid in 2010, where, once again, both regions stressed common values and interests, including the protection and promotion of human rights and strengthening citizen's participation and democracy<sup>32</sup>. The Summit adopted not only a Final Declaration but also a complete Action Plan covering various areas.

The Final Declaration also clearly underlined an important aspect of our relation, the commitment to multilateralism, mainly in the framework of the United Nations. In this sense, we cooperate closely in multilateral forums on human rights. The EU and GRULAC (Group of Latin American Countries), for instance, are the main sponsors of an annual omnibus resolution on the Rights of the Child at the UN General Assembly. Moreover, together with the EU, many Latin American countries have been active supporters of the UNGA resolution on a moratorium on the death penalty. Several Caribbean countries have been, nevertheless, considering reactivating the death penalty as a reaction, fuelled by popular demand, to the rising level of violence.

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<sup>32</sup> Cf. Council conclusions on the Commission Communication regarding EU-Latin America relations, adopted by the Foreign Affairs Council on 8 December 2009 (17341/09) and Madrid Summit Declaration and Action Plan ([http://ec.europa.eu/external\\_relations/lac/index\\_en.htm](http://ec.europa.eu/external_relations/lac/index_en.htm))

At the EU-LAC Summit, important agreements with Latin America and the Caribbean were re-launched or concluded. As regards Mercosur, negotiations for a comprehensive Association Agreement (which would include a clause on human rights) were re-launched. Negotiations for an Association Agreement with Central America, as well as a trade agreement with Colombia and Peru were concluded in May 2010. Both agreements include a clause which allows for their immediate and unilateral suspension in the case of human rights violations. They also contain a number of binding commitments to implement core labour and environmental conventions effectively, as well as a mechanism for the monitoring of the implementation of labour laws. As regards the beneficiaries of the GSP+ scheme (Generalised System of Preferences) during 2010, the following countries were among them: Bolivia, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Paraguay, and Peru.

Finally, issues related to the protection and promotion of human rights, as well as the situation of human rights defenders, have been systematically discussed in political dialogue meetings with Latin American countries. In 2008, the EU launched new local human rights dialogues with Argentina, Brazil, Chile, Colombia and Mexico. In addition, consultations are foreseen in Geneva and New York with Argentina, Brazil, Chile and Mexico in further support of the cooperation in advance of sessions of the Human Rights Council in and the UNGA Third Committee.

## **Latin America**

### **5.7.4 Argentina**

Human Rights issues feature prominently in the EU-Argentina bilateral agenda. Based on the 2008 EU-Argentina Joint Declaration on Human Rights, two sessions of dialogue have been held so far (on 15 October 2009 and 30 November 2010). At these meetings, Parties discussed a wide range of bilateral issues, as well as questions relating to the multilateral agenda (in particular the review of the UN Human Rights Council). The meetings aimed at exchange information on respective policies on human rights and identified areas for cooperation. The EU is currently preparing a comprehensive Human Rights Country Strategy, which will set our priorities for continue our dialogue and cooperation with Argentina in a focused and coherent manner.

### **5.7.5 Bolivia**

In 2010, Bolivia had local elections and an intensive legislative process. In particular, five organic laws implementing central aspects of the new Constitution of 2009 were passed: the electoral system, the electoral organ, the judiciary, the constitutional tribunal and the law for the autonomy and decentralisation process. The law against racism and all forms of discrimination was also passed in 2010. The EU followed these developments closely and has continued its support to human rights and democracy in Bolivia through the European Instrument for Democracy and Human Rights and the Instrument for Stability. In December 2010, the Council included Bolivia in the list of countries for pilot implementation of the Council Conclusions on Democracy Support in the EU's external relations of November 2009.

### 5.7.6 Brazil

The EU-Brazil Strategic Partnership, established in July 2007, is based on shared values and principles including democracy and social inclusion, the rule of law, promotion of human rights and fundamental freedoms for all. On this basis, the first Human Rights Dialogue was held in Brasilia in June 2009 and a second round is to take place in May 2011. The objectives are to hold an open exchange of views on the human rights situation in the EU and in Brazil, to share best practices and to strengthen cooperation on relevant issues. With respect to the situation in Brazil, issues to be addressed include the situation of human rights defenders, indigenous peoples, the rights of detained persons and enhancing EU-Brazil cooperation in UN human rights forums.

The EU closely follows human rights developments and regularly meets with the authorities in Brasilia, as well as civil society organisations and other stakeholders. The Strategic Partnership also foresees an EU-Brazil civil society forum on human rights protection and respect for democratic principles, with the objective of promoting better understanding of mutual concerns at the level of non-state actors. The first such seminar was held in 2010 and focused on issues related to public security, human rights' defenders, and the LGBT community. In addition, consultations between Brazil and the EU were held in the margins of the Human Rights Council in Geneva and of the UN General Assembly in New York.

### **5.7.7 Chile**

The comprehensive EU-Chile Association Agreement underpins a generally excellent relationship. Chile and the EU have continued to work effectively together to promote human rights domestically and in multilateral forums. The EU maintained regular contacts with the Chilean authorities at different levels, following up the issues discussed in the first EU-Chile human rights dialogue, in April 2009 in Santiago, with a particular focus on the rights of indigenous peoples. Through its external assistance, the EU is supporting Chile's efforts to implement fully ILO Convention 169 concerning Indigenous and Tribal Peoples. The second EU-Chile human rights dialogue took place in Santiago in January 2011.

### **5.7.8 Colombia**

The EU followed the human rights situation in Colombia closely, on the basis of Council conclusions adopted in 2007<sup>33</sup>, and has kept regular contacts with the Colombian authorities at different levels. Two sessions of the bilateral Human Rights dialogue at local level, established in 2009, were held in 2010; topics discussed included impunity, the combat against new illegal armed groups, forced displacement, and labour relations and the situation of trade unions in Colombia. The EU also enquired about a number of individual cases, including those of attacks and threats against human rights defenders.

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<sup>33</sup> Council conclusions, doc. 15040/07

Through its external assistance, the EU provides capacity building support in the fight against impunity, for the attention given to internally displaced persons, as well as for assisting victims of conflict. This is framed notably within the focal area for “justice and human rights” of the Country Strategy Paper (which accounts for some 20 % of the overall budget), although human rights-related approaches are strongly present also in the main focal area, “peace and stability” (accounting for two thirds of the budget). EU assistance represents a contribution to the full implementation by Colombia of its international obligations in the field of human rights and recommendations from the UPR.

### **5.7.9 Ecuador**

The situation of Human Rights in Ecuador still presents challenges, one of which is the situation of refugees along the northern border with Colombia, who lack effective access to the most basic rights. This is to be addressed by a project under the Instrument for Stability, prepared in 2010 and to be launched in early 2011, which aims to contribute to the reduction of violence and insecurity along the border, promoting a cross-border region of peace and development. Attention to the refugees will also be a theme for the 2011 edition of the EIDHR Country-based Support Scheme, which in 2010 focused on Children's rights.

### **5.7.10 El Salvador**

As a follow up of the recommendations of the EU EOM that observed the parliamentary and presidential elections of 2009, the EU decided to cooperate in the electoral area in El Salvador supporting a reform that aims at strengthening the social inclusion of a greater part of the society through the introduction of the residential vote. In the same context, the EU has continued support to the civil society through the EIDHR instrument with the objective to facilitate civil society to monitor and participate in further electoral reforms.

During 2010, the EU Delegation contributed to the formulation, together with EU Member States present in El Salvador, of a common local strategy for the implementation of EU Guidelines on Human Rights Activists. This strategy contains an updated analysis on the situation of human rights defenders in El Salvador and provides the framework for the implementation at local level of the EU guidelines.

El Salvador has not ratified the Statute of Rome on the International Criminal Court. During 2010 the EU has continued, through different démarches, to encourage the Government of El Salvador to ratify it as soon as possible.

### **5.7.11 Guatemala**

Conflict prevention and conflict resolution continue to be essential elements of the EU's overall policy for promoting human rights and democratisation in Guatemala. Although Guatemala has made some progress in fostering human rights and democratic development, serious concerns remain regarding social exclusion, impunity, and the situation of human rights defenders. Guatemala's Government has not been able to tackle increasing levels of violence across the country.

The EU has actively supported the extensions of the mandate of the International Commission Against Impunity in Guatemala (CICIG). These extensions are a positive step towards a further consolidation of the CICIG's role in dismantling clandestine groups and promoting legislative reforms in the area of justice and security. The EU's Filter Group on Human Rights meets monthly to examine cases of threats and attacks against Human Rights Defenders. Following legislative moves to revive the debate on the reintroduction of the death penalty in Guatemala, the High Representative on 20 October 2010 issued a declaration restating the EU's opposition to the restoration of the death penalty in Guatemala.

### **5.7.12 Honduras**

During 2010 the EU continued to be concerned about the human rights situation in Honduras. Claims of human rights violations (especially directed towards journalists, LGTB groups, women, Human Rights defenders and groups linked to the Resistance Movement) have been made by national and international human rights organisations.

The EU follows closely the situation of human rights defenders in the country and it has publicly expressed concern after the killing of several journalists and Human Rights defenders such as LGBT activists. In 2010 the EU provided, in Honduras for the first time ever, direct financial support to three human rights defenders organisations under a special procedure foreseen by the EIDHR, which enables immediate ad-hoc measures for human rights defenders in urgent need of protection. The adoption during the first half of 2010 of the "Local Strategy for the Implementation of the EU Guidelines on Human Rights Defenders" by the EU Delegation and Member States present in Honduras constitutes a milestone in the EU's human rights agenda in Honduras.



During 2010 the EU has supported the efforts shown by the new Government to take a step forward in the promotion and protection of human rights, with actions such as the opening of its frontiers to the international community and international Human Rights organisations, the constitution of a Truth and Reconciliation Commission for the investigation of the events before, during and after June 2009 and the creation of a Ministry for Justice and Human Rights. Added to its continued support to Honduran civil society in the framework of the EIDHR, the EU has also approved in 2010 a programme financed by the Instrument for Stability supporting the consolidation of peace and democracy; this programme aims at strengthening the regulatory mechanisms for human rights actors and providing technical support to the Truth and Reconciliation Commission.

### **5.7.13 Mexico**

The EU discusses human rights and security issues with Mexico in its regular political dialogue, including at ministerial level (covering aspects such as the protection of human rights defenders, including journalists, as well as the new issue of the human rights of transiting migrants). While acknowledging that the country has also undergone some important advances in tackling its human rights situation, the EU has expressed concern for the human rights implications of the deteriorating security situation and increased violence in parts of Mexico. Issues such as the fight against violence against women, the accountability of law enforcement officials and the implementation of justice sector reform are fully part of EU-Mexico cooperation, mainly through capacity building measures.

An annual high-level EU-Mexico dialogue on human rights has been established as foreseen in the Joint Executive Plan for the EU-Mexico Strategic Partnership. A first meeting took place on 12 May 2010 in Mexico City. The EU Delegation and Member States Embassies play an active role in implementing the EU's Human Rights Guidelines in Mexico and carry out regular fact finding missions to various states across the country. In 2010 they carried out such visits to the states of Chiapas, Chihuahua, Quintana Roo and Oaxaca.

### **5.7.14 Nicaragua**

The EU's Human Rights agenda in Nicaragua during the year 2010 has continued to be dominated by the institutional and electoral governance of the country, especially ahead of the decisive presidential elections of 2011. An independent experts' mission was sent by the EU to monitor the regional elections on the Atlantic coast that took place in March 2010. The findings of the mission confirmed that despite some improvement over 2008 municipal elections in terms of management of the electoral process, there were still significant deficiencies that had marred the outcome of the polls in one of the two regions concerned. Although less breaches of the right of expression and assembly could be noticed in 2010 compared to 2009, the EU has continued to follow very closely the issue of civil rights and tried to maintain its traditional support to the civil society.

### **5.7.15 Paraguay**

In Paraguay, the EU has been constantly analysing the local Human Rights situation while implementing the EU Guidelines on Human Right Defenders, by appointing a focal point. Furthermore, a local strategy has been drafted on the base of the Guidelines on Violence against women and girls and combating all forms of discrimination against them. Particular attention has been dedicated to the situation of children, human rights of women, the rule of law, the rights of indigenous people and their demands to the Government to address continuing discrimination, poverty and, more specifically, their claims for traditional lands. The EU followed closely the launch of the Human Rights Network of the Executive Branch, which includes 22 institutions and ministries, and the adoption of an Action Plan 2010-2011. Through the EIDHR, the EU focused its attention to support projects in favour of decent work, access to justice and the enhancement of local civil society networks working for the protection and promotion of human rights.

### **5.7.16 Peru**

The EU has been following the human rights developments in the country closely, in particular the situation of indigenous peoples (eg the right to be consulted), the implementation of the recommendations of the Truth and Reconciliation Committee and the Government's response to social conflicts. Through its external assistance, the EU has promoted social inclusion and has supported activities of civil society organisations aimed at promoting human rights and at improving the quality of life of vulnerable groups (women, children, indigenous people). Under the Instrument for Stability, the EU has also promoted social peace and stability in particular in areas experiencing social conflicts.

### **5.7.17 Venezuela**

In its contacts with the Venezuelan authorities and with different groups of Venezuelan society, the EU has continued to stress the importance of respecting international obligations and commitments on human rights, including freedom of expression and the press as the cornerstone of democracy and the rule of law. The EU follows with attention the Human Rights situation in Venezuela. The EU, notably through the EIDHR, has supported activities of civil society organisations in this area. The EU has continuously supported all initiatives aimed at promoting tolerance, spaces for dialogue and mutual understanding. EU officials interact regularly with human rights defenders and civil society at large.

### **5.7.18 Uruguay**

The EU is supporting two different projects aiming at classifying the archives pertaining to the military administration and preserving the collective memory of those years. The EU is also supporting other projects in the human rights field, in particular in regard to reducing domestic violence, human trafficking and as well as initiatives to strengthen children's rights.

## ***The Caribbean***

### **5.7.19 Cuba**

Following the death of political prisoner, Mr Orlando Zapata Tamayo, in February 2010, the EU reiterated its call upon the Cuban Government to improve effectively the human rights situation in the country, including by unconditionally releasing all political prisoners, including those detained and sentenced in 2003. The EU asked Cuba to make real the commitment to human rights it had taken by signing of the International Covenant on Civil and Political Rights (it has not yet ratified).

In July 2010, the High Representative welcomed the announcement that the remaining 52 political prisoners of the group of 2003 would be released and expressed hope that the dialogue between the Catholic Church in Cuba and the Cuban Government, with the support of Spain, would lead to the release of all political prisoners. The EU stood ready to work closely with the Cuban authorities and the Catholic Church to support that process. By the end of 2010, 41 political prisoners from the group of 2003 had already been released as well as other 16 political prisoners. However, the EU is concerned about the human rights situation in Cuba, including the lack of respect for the freedom of expression and information, and for the freedom of assembly.

The Foreign Affairs Council of 25 October 2010 agreed to start a reflection and to task the High Representative within the framework of the EU's 1996 Common Position, to explore possibilities on the way forward for relations with Cuba, and to report back to the Council.

Following the official re-launch of cooperation in October 2008, the EU has supported projects benefiting directly the Cuban population such as food security, adaptation to climate change and support to non-state actors, among others.

There were some welcome developments in the human rights situation in 2010. The release of the political prisoners, the extension of the *de facto* moratorium on the death penalty, the easing of internet censorship and the promise of new economic reforms were all positive steps. However, the broader human rights situation remained a cause of concern as freedom of expression, freedom of association and judicial independence continued to be restricted.

### **5.7.20 Haiti**

The devastating earthquake which hit Haiti in January 2010 further weakened the country's already fragile rule of law institutions, including the police, the judiciary and the prison system. This was accompanied by a marked increase in gang activities as approximately 5 600 prisoners escaped from jails in the aftermath of the earthquake. The communities most at risk were those within densely populated areas of Port-au-Prince including camps for internally displaced persons.

In response, the EU will continue to reinforce the efforts of human rights civil society organisations to fight gender based violence and promote children's rights and to strengthen the rule of law sector in Haiti, where it has been active since 2005. Actions include strengthening the Ministry of Justice and Public Security, facilitating access to justice, improving the efficiency of the judicial process and promoting the independence of the judicial system. The EU supports the presence of the UN peacekeeping mission (MINUSTAH), which plays an important role in promoting security, democracy and respect of human rights in Haiti. In the framework of the presidential and legislative elections which took place in 2010, the EU fielded a number of electoral experts to monitor the process, co-funded local electoral observation and provided support to the OAS/CARICOM electoral mission.

## 5.7.21 Jamaica

**THE EU FOLLOWS CLOSELY THE HUMAN RIGHTS SITUATION AND DEVELOPMENTS IN JAMAICA. DURING 2010 THERE WERE SEVERAL DEMARCHES COVERING VARIOUS HUMAN RIGHTS ISSUES AND THERE IS ONGOING POLITICAL DIALOGUE COVERING HUMAN RIGHTS AND REGULAR CONTACTS WITH HUMAN RIGHTS DEFENDERS.**

The Jamaican Constitution is to be amended in early 2011 through the passage of the Charter of Rights Bill. The bill contains some changes with important implications on the imposition of the death penalty: first, challenges to the death penalty are no longer allowed on the basis of amount of time between imposition and execution of sentence; second, conditions of detention are irrelevant to the appeals process. Additionally, the Act to Amend the Constitution of Jamaica allows for a period of time to be stipulated by the Governor General of not less than 18 months for the conclusion of appeals to international bodies (eg the Inter-American Commission for Human Rights).

On 21 December 2010, Jamaica voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly. Jamaica has signed but not ratified the Rome Statute of the ICC. The Government has repeatedly promised to ratify the treaty, however they have not delivered on these promises thus far.

The last UN Universal Periodic Review for Jamaica took place in November 2010. Issues raised by participating states included the death penalty, alleged extra-judicial killings, police misconduct, prison conditions, rights of children and rights of the LGBT community. Recommendations not supported by the Jamaica Delegation concerned mainly abolition of the death penalty and decriminalisation of homosexual activity.

**UNDER THE EIDHR COUNTRY BASED SUPPORT SCHEME, THE EU CURRENTLY PROVIDES SUPPORT IN THE AREAS OF ADVOCACY AGAINST THE DEATH PENALTY, ALTERNATIVE DISPUTE RESOLUTION, IMPROVEMENTS IN PRISON CONDITIONS AND RIGHTS OF THE CHILD.**

## 6 The European Parliament's actions on human rights

*(Text provided by the European Parliament)*

The European Parliament continues to be an important voice on human rights and democracy issues within the EU institutional set-up. It seeks to ensure that rights and freedoms are defended and promoted within and outside the EU.

Through its resolutions, reports, missions to non-EU countries, human rights events, inter-parliamentary delegations and joint parliamentary committees with non-EU countries, oral and written questions, special hearings on specific issues and its annual Human Rights Prize, the Sakharov Prize for Freedom of Thought, the EP contributes to the drafting, implementation and evaluation of the Union's human rights policies.

The Council, Commission and European External Action Service are held accountable through public discussions in plenary sessions, (sub-)committee meetings and working groups. Furthermore, the President of the Parliament and the (sub-)committees' and Delegations' chairs take up human rights issues with representatives of non-EU countries, in direct talks and correspondence.

The **Sakharov Prize for Freedom of Thought** seeks to honour individuals or organisations anywhere in the world for their efforts on behalf of human rights, democracy and freedom of expression and their struggle against intolerance and oppression. This year, the Sakharov Prize was awarded to Guillermo Fariñas. A doctor of psychology, independent journalist and political dissident in Cuba, Guillermo Fariñas has over the years conducted 23 hunger strikes to protest against the Cuban regime, with the aim of achieving peaceful political change, freedom of speech and freedom of expression in his country. By awarding the Sakharov Prize for Freedom of Thought to Guillermo Fariñas, the European Parliament acknowledges the struggles for freedom of speech and expression of all Cuban human rights defenders.

2010 was characterised by the further **implementation** of the institutional overhaul initiated by the **Treaty of Lisbon**. The Parliament played a substantial role in the establishment of the European External Action Service, and aspects of the new Service's functioning which touch upon the EU's external human rights policy were the subject of regular exchanges of views, debates and reports and opinions within a host of associated Parliamentary committees. Furthermore, also the EU's accession to the ECHR and the UNCRPD featured on the agenda.

The **Subcommittee on Human Rights**, under the chairmanship of Heidi Hautala (FI, Greens/EFA), is at the centre of discussions on human rights in Parliament. It takes parliamentary initiatives in this sphere and provides a permanent forum for discussions on the human rights situation and the development of democracy in non-EU countries. These matters are discussed with other EU institutions, the UN Special Rapporteurs and representatives of the UNDP, the Council of Europe, government representatives, human rights defenders and NGOs.

During 2010 the Subcommittee also had the opportunity to hold regular **exchanges of views with the Council Human Rights Working Party (COHOM)** chairperson, who presented the work programme of the COHOM and reported to Subcommittee members.



Own-initiative reports are among the most effective tools for the Parliament to develop its core position and command attention from other institutional actors. The main report in this regard is the European Parliament's **Annual Report on Human Rights in the World and the EU's policy on the matter** which provides scrutiny of EU policies, as part of the accountability function of the Parliament. The last Annual Report was drafted by Laima Liucija Andrikienė (LT, EPP) and adopted by the Plenary on 16 December 2010. The resolution<sup>34</sup> firstly focuses on the changes to the EU's own institutional architecture, especially the place of human rights in the structure of the EEAS; the MEPs also call for the creation of a Special Representative on Human Rights and for the initiation of Country Strategies on Human Rights, in order to reinforce the coherence, effectiveness and visibility of the EU's action. Secondly, the resolution focuses on dialogues and consultations with non-EU countries and on the EU's actions on the international scene. As regards the former, the MEPs *inter alia* call for proper parliamentary participation in the ongoing evaluation and full access to the outcome documents. As regards the latter, the Parliamentarians welcome the EU's support for initiatives regarding the decriminalisation of homosexuality at the UN and other international forums; they also highlight the opportunities related to the EU's future accession to the ECHR and reiterate their strong support for the ICC's work. Thirdly, as regards substantive policies, the resolution comprises comments on the human rights guidelines, which form the practical basis for the EU's action in the field; the resolution furthermore focuses on the fight against terrorism, recalling the importance of adhering to human rights standards.

**Other own initiative reports** in 2010 included EU policies in favour of human rights defenders; and human rights, social and environmental standards in international trade agreements.

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<sup>34</sup> T7-0489/2010, 16.12.2010.

In 2010 the Subcommittee on Human Rights organised a number of **exchanges of views and hearings** on a country or regional basis:

- Arab world;
- Argentina, in the context of a hearing on the fight against impunity;
- Burma/Myanmar, in light of the parliamentary elections;
- Central Asia;
- China;
- Cuba;
- Israel;
- Iran;
- Kazakhstan;
- Mexico;
- North Korea;
- The Philippines, in the context of the Presidential, legislative and local elections;
- Russia;
- South East Asia, in particular Vietnam, Cambodia, Laos and Thailand;
- Sri Lanka;
- Syria, in the context of the EU-Syria association agreement;
- Turkey;
- Turkmenistan;
- Ukraine and Egypt, as case studies in a hearing on the European Neighbourhood Policy (East and South);
- Western Balkans;
- War crimes and other serious violations of human rights in the former Yugoslavia;
- Prison conditions in Syria and Lebanon.

Other hearings raised more thematic issues:

- EU support for human rights defenders;
- Violence against women in armed conflicts;
- Implementation of the EU ban on the trade in "tools of torture";
- The ICC, in view of the Kampala review conference;
- EU/U.S. cooperation in relation to global human rights issues;
- Torture, in the occasion of the International Day against Torture;
- Results of the 12th EU-NGO forum in Brussels in July;
- Death penalty;
- Human rights and the fight against terrorism;
- Children's issues;
- Human rights and AIDS;
- Corporate Social Responsibility.

Through the process of democratic scrutiny of the **European Instrument for Democracy and Human Rights** the Parliament is actively taking part in the oversight of the implementation of this instrument. A specific working group has been set up within the AFET committee to this effect, chaired DROI chairwoman Hautala. The working group meets regularly with the Commission services to discuss the Multi-Annual Strategy Papers and the Annual Action Plans, as well as a general follow-up on the current situation for the instruments' implementation. Several exchanges of views on the implementation and review of the EIDHR were held during the Human Rights Subcommittee's meetings.

Regarding **human rights dialogues and consultations with non-EU countries**, representatives from the Commission, Council and EEAS have kept the Parliament closely informed through in camera meetings with MEPs ahead of and after every round of some human rights dialogues and consultations as well as meetings of relevant structures dedicated to dialogue on human rights such as ENP subcommittees on human rights or the EU-African Union human rights dialogue.

The Subcommittee on Human Rights organised specific hearings in July on the situation of human rights in China in view of the EU-China Human Rights Dialogue and EU-China Summit and in November on the situation of human rights in Russia and outcome of the EU-Russia Human Rights Consultations.

To complement the subcommittee's work on human rights the Parliament's policy department for external relations provides support, preparing briefing notes and other background materials or commissioning external studies. During 2010 the following **studies** relevant to the External Policy on Human Rights were prepared:

- Assisting European Citizens Facing Execution Outside the European Union;
- Implementation of EU policies following the UN Security Council resolution 1325;
- The role of regional human rights mechanisms;
- Information and communication technologies and human rights;
- Current Challenges Regarding Respect of Human Rights in the Fight against Terrorism.

A major body for cooperation in the human rights field is the **United Nations Human Rights Council** (UNHRC) in Geneva, whose work the Parliament continued to follow with great interest, namely by sending a delegation to the UNHRC. The European Parliament adopted a resolution<sup>35</sup> on the Council's 13th session, which discusses the need to prioritise addressing human rights violations, clarify counter-terrorism detention rules, resolve the conflict in Gaza and southern Israel, and oppose Iran's candidacy as the key issues. The Members also stressed the importance of EU common positions and reiterated their call on the Member States to oppose any attempt to undermine the concept of the universality, indivisibility and interdependence of human rights, and to encourage the UNHRC to give equal attention to discrimination on all grounds.

The Subcommittee on Human Rights' yearly delegation was an occasion to raise these concerns and learn more on the current developments regarding main issues dealt at present with the Council, through meetings with EU and non-EU country Ambassadors, Directors from the OHCHR and NGOs, and Special Rapporteurs.

The European Parliament also follows the work of the **UN General Assembly** (UNGA). In March, a recommendation to the Council on the EU priorities for the 65th Session was adopted.<sup>36</sup> The recommendation covers six priority issues the Council should address, namely 1) the EU's place at the UN, 2) world governance and UN reform, 3) peace and security, 4) development, 5) climate change and 6) human rights. As regards the latter, Parliament invited the High Representative to speak with one voice on behalf of all EU Member States and also to call on them to emphasise those unified EU positions in order to give them more weight. The MEPs also suggested the EU should make efforts to include a separate item on the agenda concerning cooperation between the UN, regional assemblies, national parliaments and the Inter-parliamentary Union (IPU) in order to foster debate on how parliamentary assemblies can play a more active role in the United Nations. The European Parliament, through its Foreign Affairs Committee visited the UNGA in November 2010.

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<sup>35</sup> Resolution on the 13th session of the United Nations Human Rights Council (Geneva, 1-26 March 2010), T7-0036/2010 , 25.2.2010.

<sup>36</sup> Recommendation to the Council on the 65th Session of the United Nations General Assembly , T7-0084/2010 , 25.3.2010.

On the basis of a joint request of the Chairs of the Subcommittee on Human Rights, the Committee on Foreign Affairs and the Committee on Development, an *ad hoc* delegation of the European Parliament was sent to the Ninth Session of the **UN Permanent Forum on Indigenous Issues** (UNPFII) from 28-30 April in New York.

The session specifically addressed Articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples, which guarantee indigenous peoples' full and effective participation in development processes.

The European Parliament also sent an *ad hoc* delegation to the **International Criminal Court Review Conference** in Kampala (Uganda) in June.

The delegation's mandate, set out in an EP Resolution<sup>37</sup>, called for the Member State governments - parties to the Rome Statute - to prioritise the inclusion as a war crime within the Court's jurisdiction the use of certain weapons in the context of an armed conflict not of an international character, and the extension of the criminalisation of the use of poison, poisoned weapons, asphyxiating, poisonous or other gases and all analogous liquids, materials or devices, as well as the use of bullets that expand or flatten in the body, to armed conflicts not of an international character. Parliament furthermore firmly supported the inclusion of the crime of aggression within the ICC's jurisdiction.

The presence of the delegation was also a clear message of strong support, both of the European Parliament and the EU as a whole, for the ICC and its aims.

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<sup>37</sup> Resolution on the Review Conference on the Rome Statute of the International Criminal Court, in Kampala, Uganda, T7-0185/2010, 19.5.2010.

The Subcommittee on Human Rights furthermore sent a **delegation to Washington, D.C.** from 25-27 May. It was the first such trip since President Obama came to office, in the new European Parliament legislature, and after the entry into force of the Treaty of Lisbon. The delegation aimed, in this new 'environment', to explore ways to further develop the existing relationship and to follow-up on some of the main EU-U.S. human rights issues already dealt with in the past.

A delegation of the Subcommittee also travelled to **Beslan and Ingushetia** (Russia) from 30 August - 3 September. The delegation was established on the basis of an invitation received from several North Caucasus NGOs and travelled to Russia to commemorate the three day siege of an elementary school in Beslan. The delegation took the opportunity to get a wider picture of the situation in the region through contacts with official representatives and civil society.

One of the main aims of the Subcommittee is to **encourage the mainstreaming of human rights issues** into all aspects of the external relations of the EU. This is achieved through interaction with the committees on the area for External relations and with inter-parliamentary delegations and assemblies, where human rights issues are regularly discussed with parliamentarians in a variety of countries.

The Parliament's Secretary General has set up a **Task Force** of staff from different services in order to contribute to the enhancement of the coherence of the institution's work in this field. The main activities during 2010 concerned the implementation of the EEAS, last year's annual human rights report and the EU's policy on the matter, EU accession to the ECHR, the Sakharov Prize and access to documents.

The Parliament's support to new and emerging democracies is implemented through the **Office for Promotion of Parliamentary Democracy** (OPPD), which assists the establishment of parliaments by strengthening lawmaking capacity, sharing expertise and exchanging good practices. The OPPD acts on the initiative of NED (new and emerging democracies) parliaments and targets the identified needs of each. Support initiatives can also be derived from Resolutions adopted by the EP, the ACP-EU Joint Parliamentary Assembly, or other transnational assemblies. The OPPD coordinates all the activities on democracy promotion within the European Parliament. The OPPD's Democracy Fellowship Programme aims at enhancing the institutional and administrative capacity of parliaments and receives fellows for tailored training at the Parliament.

The **Euro-Mediterranean Parliamentary Assembly** (EMPA) provides opportunities for a parliamentary dialogue on issues of human rights and democracy with Mediterranean countries. Its 6th plenary session took place in Amman on 13-14 March. Its Committee on Political Affairs, Security and Human Rights has established the practice of including a standing point on human rights on every agenda. It adopted a recommendation which *inter alia* concerned freedom of expression and freedom of religion or belief.

The **Euro-Latin American Parliamentary Assembly** (EUROLAT) continues to be an important forum for dialogue with Latin America. The plenary session took place in Seville (Spain) from 13-15 May. EUROLAT has established a Committee on Political Affairs, Security and Human Rights; it met immediately prior to the plenary session and again on 4-5 November in Salvador da Bahia (Brazil). In 2010 the Committee *inter alia* debated the protection of minorities in both the EU and Latin America and the fight against drug trafficking and organised crime.

The main forum for political dialogue between the European Parliament and parliamentarians from African, Caribbean and Pacific countries is the **ACP–EU Joint Parliamentary Assembly** (JPA). Its 19th session took place in Tenerife from 27 March to 1 April; the 20th session in Kinshasa from 30 November to 4 December.



The JPA's Committee on Political Affairs continued its work on the role of free and independent media; a report was adopted unanimously at the meeting in Kinshasa, calling *inter alia* for more explicit references to this issue in international agreements, as a prerequisite for proper conditionality to apply.

As regards the Eastern Partnership, the launch of **EURONEST** - the joint parliamentary assembly of MEPs and representatives of the partner countries' parliaments - was postponed due to a lack of agreement among the members of the European Parliament as to whether Belarus should be represented by the members of parliament or representatives of the opposition and civil society. Once established, EURONEST will be the institution for multi-lateral parliamentary dialogue and exchange among the Eastern partners and between the MEPs and their Eastern partner countries' homologues in several areas of common interest; as such, it will constitute another forum where an inter-parliamentary dialogue on human rights and democracy issues takes place.

During 2010 the Subcommittee on Human Rights also held **joint meetings with other EP committees**. In March, a joint hearing took place with the Committee on Development on the prevention of mass atrocities/human rights abuses in EU foreign policy, and in June on the human rights situation in the Democratic Republic of Congo; in November, a joint meeting with the Committee on Women's Rights and Gender Equality focused on the tenth anniversary of UN Security Council Resolution 1325 on Women, Peace and Security and its implementation in EU policies.

In April, the Committees on Development and on Civil Liberties, Justice and Home Affairs and the Subcommittee on Human Rights held a joint meeting with UN High Commissioner for Refugees, AntoniÓ Guterres on matters relating to asylum.

The **Committee on Development** also regularly holds meetings that pertain to human rights in general. Additionally the Committee on occasion debates specific human rights issues, by region (eg Colombia or Gaza) or by theme (eg child labour or property rights).

Also other Committee's activities discuss matters pertaining to external human rights policy in the course of their activities. Within the **Committee on International Trade**, a report on human rights, social and environmental standards in international trade agreements<sup>38</sup> featured on the agenda throughout 2010. The **Committee on Womens' Rights** is also active in this regard.

The **observation of elections** is part of the contribution of the EU to strengthening human rights and democracy in non-EU countries. The European Parliament actively participates in missions by sending a delegation for short term observation integrated into the framework of long term election observation missions, as well through the Chief Observers for the EU Election Observation Missions, who are usually Members of the European Parliament. On election day the MEPs observe the conduct of polling and counting. During 2010 the Parliament sent short term delegations to Africa (Sudan, Tanzania, Togo), the OSCE area (Azerbaijan, Kyrgyz Republic, Republic of Moldova, Tajikistan, Ukraine) and Kosovo.

An important element of the Parliament's activities consists of resolutions on particular human rights violations in specific countries and in particular on individual cases of concern, which are dealt with in the **monthly plenary debates on urgent subjects**. Council, Commission and the governments involved are urged to take action. Aside from these resolutions, **regular démarches** are conducted by the President of Parliament, the Chair of the Subcommittee and the Chairs of the Parliamentary Delegations. The reactions of governments suggest that they are often quite sensitive to criticism by the European Parliament.

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<sup>38</sup> Report on human rights and social and environmental standards in international trade agreements (2009/2219(INI)), A7-0312/2010, 8.11.2010.

The European Parliament's resolutions in 2010 concerned:

- Attacks on Christian communities (in particular in Egypt and in Malaysia);
- Burma/Myanmar (3 different resolutions);
- Cambodia, in particular the case of Sam Rainsy;
- Gilad Shalit;
- The Democratic Republic of Congo, in particular the case of Floribert Chebeya Bahizire;
- Eritrean refugees held hostage in Sinai;
- Executions in Libya;
- Human rights violations in China, in particular the case of Liu Xiaobo;
- Iraq, in particular the death penalty (notably the case of Tariq Aziz) and attacks against Christian communities;
- Kenya's failure to arrest President Omar al-Bashir;
- Madagascar;
- Malaysia, in particular the practice of caning;
- Nepal;
- The North Caucasus (Russian Federation) and the criminal prosecution against Oleg Orlov;
- North Korea;
- Religious freedom in Pakistan;
- The Philippines;
- Syria, in particular the case of Haythan Al-Maleh;
- Thailand;
- The death penalty being declared legal in the Republic of Korea;
- The escalation of violence in Mexico;
- Tibet, in particular the plans to make Chinese the main language of instruction;

- Uganda, in particular the so-called 'Bahati bill' and discrimination against the LGBT population;
- Venezuela (2 different resolutions);
- Zimbabwe (2 different resolutions).

Issues concerning **human rights within the EU** fall chiefly within the remit of the Committee on Civil Liberties, Justice and Home Affairs (LIBE), which deals with the status of respect for fundamental rights in the EU. The Foreign Affairs Committee and its Subcommittee on Human Rights cooperate closely in order to monitor the external effect of internal policies, especially concerning the issues of asylum and migration.

In 2010 the LIBE Committee focused *inter alia* on human rights-related issues such as counterterrorism, sexual abuse and exploitation of children and child pornography, preventing and combating trafficking in human beings, the functioning of FRONTEX, Passenger Name Record agreements, information rights in criminal proceedings and criminal justice cooperation, equal treatment, public access to documents and an inclusion strategy for Roma. Also within LIBE the EU accession to the ECHR featured prominently on the agenda.

## 7 List of abbreviations

AA	Association Agreement
AFET	Committee on Foreign Affairs
ACP	African, Caribbean and Pacific
AMISOM	African Union Mission in the Darfur region of Sudan
APRM	African Peer Review Mechanism
ARF	ASEAN Regional Forum
AQIM	Al Qaeda in the Islamic Maghreb
ASEAN	Association of Southeast Asian Nations
ASEM	Asia-Europe Meeting
AU	African Union
BiH	Bosnia and Herzegovina
BPFA	Beijing Declaration and Platform for Action
CAAC	Children affected by armed conflict
CAR	Central African Republic
CARDS	Community Assistance for Reconstruction, Development and Stabilisation
CBSS	Country-Based Support Schemes under the EIDHR
CDDH	European Convention on Human Rights
CEDAW	Committee on the Elimination of Discrimination against Women
CFSP	Common Foreign Security Policy
CICIG	International Commission against Impunity in Guatemala
CIDA	Canadian International Development Agency
CoE	Council of Europe
COHOM	Council Human Rights Working Party
COM	European Commission
CPT	European Committee for the Prevention of Torture
CSDP	Common Security and Defence Policy

CSO	Civil Society Organisation
CSR	Corporate Social Responsibility
CSW	Commission on the Status of Women
DIS	Détachement Intégré de Sécurité
DPKO	Department of Peacekeeping Operations
DPRK	Democratic People's Republic of Korea
DRC	Durban Review Conference
EA	Electoral Assistance
EaP	Eastern Partnership
ECCC	Extraordinary Chambers in the Constitutional Court of Cambodia
ECHR	European Court of Human Rights
ECRI	European Commission against Racism and Intolerance
EEM	Election Expert Missions
EFA	European Free Alliance, European Parliament political group
EIDHR	European Instrument for Democracy and Human Rights
EMB	Electoral Management Bodies
EMPA	Euro-Mediterranean Parliamentary Assembly
ENP	European Neighbourhood Policy
EOM	Election Observation Mission
EP	European Parliament
EPP	European People's Party
ESDP	European Security and Defence Policy
EU	European Union

EUJUST LEX	Integrated Rule of Law Mission for Iraq
EUPM	European Union Police Mission
EUPOL	EU Police mission
EUPOL COPPS	European Union Police Mission for the Palestinian Territories
EUROLAT	Euro-Latin American Parliamentary Assembly
EUSEC	EU mission to provide advice and assistance for security sector reform
EUSR	EU Special Representative
EUSSR	EU mission in support of the Security Sector Reform
EUTM	European Union military mission to contribute to the training of security forces
FDLR	Forces démocratiques de libération du Rwanda
FI	Finland
FYROM	former Yugoslav Republic of Macedonia
GA	General Assembly
GPA	Global Political Agreement
GRULAC	Group of Latin American and Caribbean countries
GSP	EU's Generalised System of Preferences
GSP+	Special Incentive Arrangement for Sustainable Development and Good Governance
HIV	Human immunodeficiency virus
HoMs	Heads of Mission
HRC	Human Rights Council
HRD	Human Rights Defender
HRDO	Human Rights Defender's Office
HTA	High Transition Authority

ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICHR	Independent Commission for Human Rights
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IDP	internally displaced persons
IDPS	Institut de Développement de Produits de Santé
IHL	International humanitarian law
ILO	International Labour Organisation
IMT	Monitoring Team
IOM	International Organisation for Migration
IPA	Instrument on Pre-Accession Assistance
IPU	Inter-parliamentary Union
JPA	Joint Parliamentary Assembly
JUSCANZ	Japan, United States, Canada, Australia, New-Zealand
JWF	Joint Way Forward
LAC	Latin American and Caribbean countries
LGBT	Lesbian, Gay, Bisexual and Transgender
LIBE	Committee on Civil Liberties, Justice and Home Affairs
LT	Lithuania
LTTE	Liberation Tigers of Tamil Eelam
MDG	Millennium Development Goal
MEP	Member of the European Parliament
Mercosur	Common market of the south
MINURCAT	United Nations Mission in the Central African Republic and Chad
MINUSTAH	Mission des Nations Unies pour la stabilisation en Haiti



NAM	Non Alignment Movement
NATO	North Atlantic Treaty Organisation
NCCM	National Council for Childhood and Motherhood
NCHR	National Council for Human Rights
NED	New and Emerging Democracies
NGOs	Non-governmental organisations
NSS	National Security Service
OCHA	Office for the Coordination of Humanitarian Affairs
ODA	Official Development Assistance
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organisation for Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OIC	Organization of the Islamic Conference
OJ	Official Journal of the European Union
OPCAT	Optional Protocol to the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OPPD	Office for Promotion of Parliamentary Democracy
OPT	Occupied Palestinian Territory
OSCE	Organisation for Security and Cooperation in Europe
PA	Palestinian Authority
PAFSI	Programme for the reform of the internal security forces
PALOP-TL	Portuguese-speaking African countries and Timor Lest
PARSET	Programme to support the Renovation of Education. Sector
PASOC	Civil society support programme
PCA	Partnership and Cooperation Agreement
PCP	Palestinian Civil Police
PDO	Public Defender's Office
POC	person of concern
PRAJUST	Programme for the reform of the justice system
SA	Stabilisation and Association
SAA	Stabilisation and Association Agreement
Sap	Stabilisation and Association process
SCSL	Special Court for Sierra Leone
SG	Secretary General
TAIEX	Technical Assistance and Information Exchange
TDCA	Trade Cooperation and Development Agreement
TFG	Transitional Federal Government
TJRC	Justice, Truth and Reconciliation Commission
TRC	Torture Rehabilitation Centre

UFM	Union for the Mediterranean
UN	United Nations
UNCAT	United Nations Convention against Torture
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNGA	United Nations General Assembly
UNHRC	UN Human Rights Council
UNICEF	United Nations Children's Fund
UNPFII	UN Permanent Forum on Indigenous Issues
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
UPR	Universal Periodic Review
U.S.	United States of America
WG	Working Group