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Delegations receive in the Annex the report entitled "EU Annual Report on Human Rights and Democracy in the World in 2012 (Thematic Reports)".

  
  

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# **EU ANNUAL REPORT ON HUMAN RIGHTS AND DEMOCRACY**

## **IN THE WORLD IN 2012**

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## **PREFACE BY HR/VP**

It is a great pleasure to see the publication of the EU's Annual Report on Human Rights and Democracy in the World for 2012. This report charts our work on human rights across the full range of the EU's external relations and highlights our main achievements. It also guides our future work, pointing to fields where urgent progress is needed.

Human rights are the silver thread that runs through all our external actions. The EU is built on a commitment to safeguard these values within our Union and throughout the world. Wherever I travel, human rights are part of the conversation, whether in official exchanges with governments or when I talk to civil society and NGOs.

2012 was a landmark year for human rights in the EU's external relations. On 25 June, the Union adopted the Strategic Framework on Human Rights and Democracy, the first ever set of principles and objectives to guide our work on promoting human rights around the world.

The Strategic Framework is linked to an Action Plan, ensuring that our good intentions translate into tangible results. This approach has already led to great progress. By identifying the death penalty as a priority issue and through continued EU lobbying, for example, we have achieved the adoption of a Resolution by the United Nations General Assembly on a worldwide moratorium.

Last year the EU funded hundreds of projects to support civil society organisations dedicated to democracy promotion through the European Instrument for Democracy and Human Rights). We also brought to life the European Endowment for Democracy to give flexible and fast support to small scale NGOs. As a result more people are able to work effectively on safeguarding fundamental rights and freedoms around the globe.

In order to produce more tangible results, we are constantly updating and improving our work on democracy promotion. More systematic follow up of election observation missions helps us ensure that our recommendations are translated into real reforms.

The progress seen in many countries throughout the world last year is an inspiration to people all over the world to stand up for their rights and continue the struggle. It gives me great pleasure that the EU has been able to support them.

But we cannot rest on our laurels. Everyday stories and images of great suffering lead us to realise that further urgent action is needed. The Action Plan will help us to ensure continued progress.

To cement the EU's commitment, I appointed a Special Representative for Human Rights, Mr. Stavros Lambridinis last year. He has been tireless in carrying the EU's message, driving progress and providing inspiration and support to those promoting human rights throughout the world. We have also been fortunate to benefit from the expertise and local knowledge of NGOs and civil society organisations as well as dedicated individuals in assisting our work. Human rights are about individual freedoms and it is these individuals that ultimately make a difference.

In 2012 the Union received the Nobel Peace Prize for advancing the causes of peace, reconciliation, democracy and human rights in Europe. This acknowledgment is a great honour for all of us. I believe it should also inspire us to step up our efforts and provide help to peoples in need around the globe.

The Annual Report provides the basis for us to assume this responsibility. It allows us to map progress in a clear, simple and systematic way and to point out where further progress is most urgently needed. It serves as an inspiration to keep up the important work and make human rights, fundamental freedoms and democracy not just a privilege of the few, but a reality for everybody. No matter where they are born.

## FOREWORD

The fundamental power of human rights resides in their universal nature—a basic truth that runs through this latest Annual Report on Human Rights and Democracy in the World.

Human rights affirm our shared humanity and place us all on equal footing. They remind us that the struggle of a single far-away individual is our own struggle as well. The human rights movement, meanwhile, provides us with the legal underpinnings and the language to wage battle on every individual's behalf. It is a language that allows us to speak truth to power in a way that resonates with every human being—and is thus able to rally to its cause people across party lines, across borders, across faith and gender.

Indeed, the real rights struggles are not waged between different cultural families. In every society, human rights represent the “universal interests of the powerless” versus the “relativism of the powerful”: The interests of an abused spouse versus the appeals to “traditional family values” of her abusing husband; the interests of a persecuted activist versus the appeals to “special security concerns” of a repressive State. This is perhaps why the universality of human rights is so rarely challenged by victims of human rights violations, but so often contested by those responsible for those violations.

What Europe brought to this debate over 60 years ago was the traumatic experience of two world wars in the span of a generation, as well as the world's worst-ever genocide, which had concentrated minds. Europe – and the international community -- made a commitment that “never again” should any part of the world experience similar atrocities.

Today, the EU is focused on the idea that the universality of human rights starts at home, with the vigilant monitoring of Europe's own human rights challenges and its willingness to tackle them through a wealth of mechanisms, with no room for complacency. It also brings to the forefront the realization that its obligation to promote and protect human rights expands beyond its borders, and must thus be pursued throughout the full range of its foreign policy instruments and actions.

To achieve this goal, the new Strategic Framework and Action Plan for Human Rights commit EU institutions to work even more closely together to ensure the greatest possible coherence and consistency in our policies. We commit ourselves to employ—and to assess the impact of—all of our foreign policy tools in order to promote and protect human rights to the greatest degree possible. With our bilateral partners around the world, we commit to strive to place human rights and democracy at the center of our interactions. We do this not only by “pointing fingers”—as we must, when grave human rights violations occur—but also by “joining hands” in order to provide concrete support and guidance in the implementation of human rights obligations. We further commit ourselves to being active, supportive partners in all regional and multilateral organizations entrusted with promoting and protecting human rights. And we recognize that, at the centre of our human rights policy—at the national, EU, regional, and multilateral levels—lies a vibrant civil society that plays the indispensable role of counterweight to public authorities, that empowers people to know and claim their rights, and whose space to function without fear, suspicion, or persecution must be protected.

This Annual Report maps the EU's foreign policy work in the broad realm of human rights in 2012. Most important, it functions as a compass for our work in years to come. It should guide us in what must be safeguarded, what must be improved, and what must be changed—in order to help make respect for human rights a universal reality.

## AN EU STRATEGIC FRAMEWORK ON HUMAN RIGHTS AND DEMOCRACY

### Overview

On 25 June 2012, the EU adopted a Strategic Framework and an Action Plan on Human Rights and Democracy, the first of their kind. These documents set out the EU's vision for its global human rights policy in the years ahead and establish a detailed list of actions that the EU will implement in order to promote these goals in practice. The adoption of the Strategic Framework and the Action Plan is of particular importance *vis-à-vis* partners in the wider world, whether governments or NGOs, as it clearly sets out the standards which the EU is determined to promote.

The **Strategic Framework** reaffirms the EU's determination to ensure that human rights – whether civil and political or economic, social and cultural – are realised for all by throwing its full weight behind advocates of liberty, democracy and human rights worldwide. The Strategic Framework stresses that the EU will seek to promote human rights in all areas of its external action without exception, such as trade, investment, technology, Internet and other electronic telecommunication means, energy, environment, corporate social responsibility and development policies, as well as in the Common Security and Defence Policy and the external dimensions of employment and social policy and the area of freedom, security and justice, including counter-terrorism policy.

The Framework outlines the EU's main priorities, objectives and methods, all designed to improve the effectiveness and consistency of the EU's human rights policy over the next ten years. It also emphasises the importance of joint work on promoting human rights, involving the Member States, the European Parliament, the European Commission and the Council. Moreover, it stresses the importance the EU attaches to its dialogue with a vigorous and independent civil society, both inside and outside the EU.

The Framework is complemented by an **Action Plan** which sets out 97 actions that the EU will implement by 31 December 2014. These actions cover all aspects of human rights, ranging from the eradication of torture to fighting forced marriage to defending freedom of expression. As well as carrying forward work already underway for some years – such as the fight against the death penalty and the campaign for the eradication of torture – the Action Plan envisages EU initiatives in new areas, such as a more central role for the promotion of human rights in development cooperation, promotion of freedom of expression on the Internet and the prevention of statelessness.

The Action Plan provides that the EU will report on its progress in implementing its provisions in the Annual Report on Human Rights and Democracy in the World.<sup>1</sup> Accordingly, the structure of this Report has been revised to follow the structure of the Action Plan; each section of Part A of this Report on the Strategic Framework and Action Plan comprises a summary of implementation of the corresponding part of the Action Plan to date. Nine actions in the Action Plan were to be implemented by the end of 2012.<sup>2</sup> Significant progress was made on achieving almost all of these objectives (see further information on Action 3 below).

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<sup>1</sup> Action 3: Present EU performance in meeting the objectives of its human rights strategy in the annual report on human rights and democracy in the world.

<sup>2</sup> Actions 6(a), 6(d), 7, 14(a), 16(a), 18(c), 23(a), 25(b) and 30(b)

On 25 June 2012, the Council also adopted the mandate of the **EU Special Representative (EUSR) on Human Rights**. Mr Stavros Lambrinidis, the former Foreign Minister of Greece and Vice-President of the European Parliament, took office in September 2012. The EUSR on Human Rights (the first post-Lisbon EUSR granted a thematic mandate) is tasked with ensuring the coherence, effectiveness, and visibility of the EU's human rights policy. The EUSR will contribute internally to the implementation of the Strategic Framework and the Action Plan on Human Rights and of other instruments such as the EU Guidelines on Human Rights, in order to contribute to policy coherence. The EUSR will also enhance dialogue on human rights with third-country governments, international and regional organisations and civil society, in order to increase the effectiveness and visibility of the EU's human rights policy. In the last four months of 2012, Mr Lambrinidis represented the EU at a number of key international meetings on human rights, including the OSCE Human Dimension Implementation Meeting in September, the 67<sup>th</sup> session of the Third Committee of the UN General Assembly, and the UN Forum on Business and Human Rights in December 2012. The Special Representative met the heads of a number of multilateral and regional organisations (UN, CoE, OSCE, LAS, OIC, AU) and his counterparts in them in order to promote closer cooperation and further EU human rights objectives. He also chaired the EU delegation to the 3rd EU-Mexico Human Rights Dialogue in October and the 9<sup>th</sup> African Union-EU Human Rights Dialogue. Mr Lambrinidis conducted a number of official country visits, including one to the Russian Federation during which he opened the October EU-Russia Civil Society Forum in St Petersburg, and he took a leading role in the first EU-Egypt Task Force that took place on 14 November. He also engaged extensively with local and international NGOs and human rights defenders in Brussels and around the world.

In 2011, EU Delegations, working closely with EU Member State Missions worldwide, began to draw up **human rights country strategies**; in 2012, the Council endorsed 48 of these strategies and another 90 are close to adoption. The strategies comprise an analysis of the human rights situation in the country concerned and identify certain issues as priorities for EU action. The strategies were drawn up in consultation with civil society and establish a guiding framework both for the EU's political action and for its financial assistance to third countries; the creation of human rights strategies for all countries thus represents a significant step towards the goal of ensuring that human rights are placed at the heart of EU external relations in a practical and targeted manner. Work has already begun on implementing the strategies, with the first implementation reports due early in 2013.

In line with the adoption of the Strategic Framework, the EU took a number of actions to make its **working methods on human rights** more efficient and more systematic. All 140 EU Delegations and offices and the 15 CSDP missions and operations now have **human rights and democracy focal points** in place. Liaison officers for human rights defenders have also been nominated in 101 countries. The **Council Working Party on Human Rights (COHOM)** increased the frequency of its meetings. The Commission's **Inter-Service Group on Human Rights**, which brings together the EEAS and Commission services, met several times to oversee implementation of the Action Plan. A high level **Contact Group on Human Rights** was established between the European Parliament and the EEAS in April 2012 to act as a forum for regular exchanges between MEPs and senior EEAS officials on human rights issues.

Turning to events in the wider world, a particularly worrying trend in 2012 was the shrinking of the space available for **civil society** in many third countries, frequently attributable to a determination to prevent the spread of revolutions inspired by the Arab Spring, combined with an awareness of the growing power of the Internet to prompt challenges to repressive regimes. Civil society organisations increasingly faced severe restrictions on freedom of expression and association, such as extremely onerous registration and reporting requirements, very restrictive rules controlling foreign funding, prohibitions on NGOs from engaging in political activities or having contact with foreigners, aggressive use of criminal defamation laws against NGOs or a complete ban on the operation of NGOs. The EU was deeply concerned at this trend. It intervened, either through confidential diplomatic channels or through public statements, in a significant number of individual cases where civil society activists or human rights defenders were facing intimidation or punishment. The EU continued to promote the development of an active and independent civil society worldwide, notably through the **European Instrument for Democracy and Human Rights (EIDHR)**, which provided financial support to human rights defenders and civil society activists in over 100 countries in 2012. In October 2012, the Commission adopted a Communication on *The roots of democracy and sustainable development: Europe's engagement with Civil Society in external relations*<sup>1</sup>, which commits the EU to providing more support to civil society organisations in partner countries, so that they can play their full part in the delivery of social services, transparency, good governance and advocacy, and can contribute to policy-making. Increased support for civil society is also a key element of the EU's renewed Neighbourhood Policy. To this end, the EU created the Civil Society Facility, allocating EUR 22 million in 2012 and 2013 for support to civil society in the Southern Neighbourhood.

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<sup>1</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0492:FIN:EN:PDF>

October also saw the creation of the **European Endowment for Democracy** (EED). The EED takes the form of an autonomous private law foundation and is designed to support pro-democracy activists struggling for democratic transition in the European Neighbourhood and beyond. The EED is not an instrument of the European Union but will complement existing EU instruments, including the EIDHR, by providing rapid and flexible support for actors, such as unregistered NGOs and emerging pro-democracy actors, who currently have only limited access to support from the EU.

The momentous breakthrough for democracy and human rights made in the **Southern Neighbourhood** in 2011 was followed in 2012 by the holding of elections in line with democratic standards in several countries, but persistent obstacles to the consolidation of the process of democratic transition remained. Repeated mass demonstrations – often accompanied by heavy-handed policing – demonstrated citizens' on-going frustration at the continuing failure to implement civil and political rights fully, and at the low level of access to economic and social rights, reflected in high levels of unemployment and deprivation. In order to strengthen partnership between the EU and the countries and societies of the Southern Neighbourhood, the EU adopted the "more for more" principle in 2011, under which greater support is to be provided to partner countries engaged in building deep and sustainable democracy. In 2012, the EU acted to put this into practice through the creation of the Support for Partnership Reform and Inclusive Growth (SPRING) allocations, amounting to EUR 390 million for 2011-2012. Moreover, the EU and the Council of Europe adopted a joint programme on *Strengthening democratic reform in the Southern Neighbourhood*, which will enable the Southern Neighbourhood countries to draw on the expertise of the Council of Europe in the protection of human rights and democracy. High-level EU Task Forces with Tunisia, Jordan and Egypt were created to provide political support for the democratic transition process and closer engagement with the peoples, governments, and development actors in those countries. Women's rights remained a particular challenge in the region; in response, the EU created a EUR 7 million regional programme to empower women politically and economically, which will be implemented by UN Women.

The principle of "more for more" was also applied in the **Eastern Neighbourhood**, with the creation of the Eastern Partnership Integration and Cooperation programme in June, under which increased financial support will be made available to countries taking steps to establish deep and sustainable democracy.

The EU took steps to try to ensure protection of human rights and prevent violations of international humanitarian law in **situations of armed conflict**. Two prominent examples were Syria and Mali. In 2012, the situation in Syria deteriorated into an ever more violent conflict accompanied by a humanitarian crisis, while in Mali a *coup d'état* and the activities of extremist armed groups led to gross violations of human rights. In response to the widespread and systematic violations of human rights and international humanitarian law in Syria, the EU suspended bilateral cooperation and imposed sanctions, which included the suspension of all existing EIB operations in the country, provided substantial humanitarian assistance to refugees and persons affected by the crisis within Syria and took a leading role at the United Nations in condemning violations of human rights and international humanitarian law by the Syrian regime. The EU underlined its support for international investigations into alleged crimes against humanity and war crimes, and for referral to the International Criminal Court if these issues are not properly addressed at national level. In Mali, the EU sought to strengthen its support for civil society and to reallocate development assistance in order to support peace moves. The EU also adopted a number of statements underlining the importance of continued humanitarian access to the entire country and respect for human rights by all parties.

The EU continued to work to promote the **universality of human rights** and to question – in the Human Rights Council – the introduction of concepts that undermine the respect for universality. The EU encourages third countries to **ratify** international human rights treaties, international humanitarian law treaties and the Rome Statute of the International Criminal Court. At the 2012 UN High-Level Conference on the Rule of Law, the EU Member States underlined their commitment to universality by pledging to consider acceding to a number of core human rights instruments, such as the Convention for the Prevention of Enforced Disappearances and the Optional Protocol to the Convention against Torture, as well as to accept the right of individual complaint under a number of UN human rights conventions. In the area of international humanitarian law, following ratification by two Member States in 2012, all Member States became party to the Ottawa Convention on the Prohibition of the Use of Anti-Personnel Mines.

Support for **human rights defenders** worldwide remained a central issue in 2012. The EU issued 37 public declarations expressing its support for individual human rights defenders facing violence, intimidation or harassment, and submitted 11 confidential demarches. EU Delegations provided practical support to human rights defenders, intervening with national authorities to try to secure their release when they were unfairly detained and monitoring their trials. In some countries, however, EU monitors were repeatedly refused access to the courts. In 2012, the European Instrument for Democracy and Human Rights (EIDHR) has provided direct support to more than 300 Human Rights Defenders at risk in over 20 countries. The EU also regularly sought to consult human rights defenders both in Brussels and in third countries concerning the situation in particular countries and the development of EU policies on human rights.

In 2012 the EU Human Rights policy and actions addressed various challenges concerning civil and political rights.

As regards **freedom of expression**, the EU repeatedly condemned restrictions on freedom of expression and access to the Internet and the arrest of bloggers in some third countries and on multilateral forums. In June, the EU played a key role in ensuring the unanimous adoption by the Human Rights Council of the first resolution to protect freedom of speech on the Internet, which was spearheaded by Sweden.<sup>1</sup> Through its "No Disconnect Strategy", the EU continued to provide on-going support to Internet users, bloggers and cyber-activists living under authoritarian regimes to circumvent arbitrary restrictions of Internet and other electronic communication technologies.

The universality of human rights was also challenged in 2012 in the area of **freedom of religion or belief**. The EU was concerned at numerous instances of intolerance or discrimination, whether in the form of physical attacks on members of particular religious communities or discriminatory practices or legislation. The EU was especially worried at attempts to develop the concept of defamation of religions, which would limit both freedom of religion and freedom of expression and could open the way to systematic mistreatment of persons belonging to religious minorities. In the light of this, the EU issued a number of statements – either on its own or in partnership with other international organisations – emphasizing the necessity to uphold human rights in general and freedom of religion or belief, and freedom of expression in particular, calling for peace and tolerance and condemning religiously motivated violence committed by state or non-state actors as well as advocacy of religious hatred and incitement to violence. In the UN Human Rights Council the EU proposed a Resolution on Freedom of Religion or Belief and engaged with a number of countries on this issue through diplomatic channels. Through intensive negotiations with the OIC, the EU ensured that neither its own resolution nor the OIC resolution on the matter contained any endorsement of the concept of defamation of religions and that both Resolutions were thus adopted by consensus. The EU will demonstrate the importance it attaches to this issue by adopting Council Guidelines on Freedom of Religion or Belief early in 2013.

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<sup>1</sup> A/HRC/20/L.13 The promotion, protection and enjoyment of human rights on the Internet [http://ap.ohchr.org/documents/alldocs.aspx?doc\\_id=20280](http://ap.ohchr.org/documents/alldocs.aspx?doc_id=20280)

The EU continued to promote **women's rights** actively. It carried forward implementation of its Plan of Action on Gender Equality and Women's Empowerment in Development, and submitted a report on progress to date. In the margins of the UN General Assembly in September, the EU, together with twelve co-founding members, launched the Equal Futures Partnership, which will promote women's political participation and economic empowerment. The EU continued to take a leading role in the implementation of UN Security Council Resolution 1325 on women, peace and security, notably by including gender consideration in all CSDP missions and operations. Moreover, the EU promoted the issue of women, peace and security in more than 70 countries, disbursing some EUR 200 million for the development and implementation of national action plans, funding for non-governmental organisations, and training for governmental agencies. In 2012, an EEAS Gender Adviser was appointed to ensure coordination and effectiveness of actions. 109 human rights country strategies have now prioritised gender issues.

The EU is also committed to safeguard the rights of persons with disability. It has also signed and ratified the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol. It is the only regional authority to do so. It has set up its own focal point and independent mechanism for the implementation of this Convention to work alongside the focal points and independent mechanisms of its Member States, most of which have now ratified both the Convention and the Protocol.

In its efforts to combat discrimination on grounds of **sexual orientation or gender identity**, the EU emphasised that it sought to ensure that the same human rights were applied to everyone worldwide without discrimination. The EU adopted a "toolkit" defining its priorities in this field which will be upgraded to Human Rights Guidelines in 2013. The EU raised the rights of lesbian, gay, bisexual, transgender and intersex persons in various interventions in international forums, as well as in its bilateral relations with certain third countries. The EU also provided financial assistance under the EIDHR to civil society groups campaigning on this issue.

The EU underlined the importance it attaches to ensuring full respect for human rights in the fight against **terrorism** in various forums, notably in two major international conferences on human rights and terrorism. The EU adopted a list of countries and regions with which to intensify cooperation in the fight against **trafficking in persons**.

The EU carried forward implementation of established **Council Guidelines**, such as the guidelines against the death penalty and torture, on human rights defenders and on children's rights.

On the **death penalty**, the EU sought to underpin the growing international momentum against capital punishment by making numerous public statements and interventions in international forums. The EU undertook extensive lobbying to promote UN General Assembly Resolution 67/176 reaffirming the call for a moratorium on the death penalty, which was adopted with an unprecedented number of votes in favour. This resolution played a key role in affirming the worldwide trend towards abolition of the death penalty. The EU supported numerous civil society projects and events worldwide with a view to strengthening public support for abolition. The EU adopted revised Guidelines against **Torture** in 2012. The amended Guidelines stress the need to ensure proper implementation of the recommendations of international monitoring mechanisms, such as the UN Committee against Torture, and emphasise the prohibition on torture or ill-treatment while countering terrorism. The EU raised individual cases of torture directly with third countries and granted EUR 16 million to NGOs to support the campaign against torture.

In 2012, the EU conducted a global lobbying campaign to promote the ratification of the two Optional Protocols to the Convention on the Rights of the **Child** and ILO Convention 182 on the worst forms of child labour. A further 18 ratifications of these instruments were secured. The EU financed projects in over 50 countries to promote the rights of the child, including 15 projects against child labour, amounting to approximately EUR 11.1 million.

Finally, in 2012, the EU continued to support **electoral processes** around the globe by deploying Election Observation Missions (EOMs) and Electoral Expert Missions (EEMs) and providing electoral assistance and support for domestic observers. In total, the EU deployed 13 EOMs and EEMs in the course of 2012. These missions contributed to support for democratic transition in the EU's neighbourhood (EOM in Algeria, Electoral Assessment Team in Libya, and EEM in Egypt), witnessed the transfer of power to the opposition (EOM and EEM in Senegal, EEM in Mexico), and the consolidation of democracy emerging from conflict (EOM to Timor-Leste and Sierra Leone). The EU also stepped up efforts to ensure systematic follow-up to recommendations from the EU's election missions. In December, as part of these efforts, the EU deployed a first Electoral Follow-Up Mission to Malawi, tasked with studying the progress made in electoral reforms and the impact of EU EOM recommendations. The EU also sought to intensify its work on **democracy support** in line with the December 2009 Council Conclusions<sup>1</sup>. The EU reported on the implementation of the democracy support action plans in nine pilot countries, and will use the lessons learned to inform the launch of a second generation of countries in early 2013.

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<sup>1</sup> Council Conclusions on Democracy Support in the EU's External Relations – Towards Increased Coherence and Effectiveness (16081/09)  
<http://register.consilium.europa.eu/pdf/en/09/st16/st16081.en09.pdf>

**Economic, social and cultural (ESC)** rights are also an integral part of the EU's external human rights policy. It is clear that the implementation of human rights (both civil and political and economic, social and cultural), sustainable development and poverty eradication are interdependent. In the light of this, the EU consistently emphasised the need to integrate human rights, governance, democracy and rule of law into the post-2015 Millennium Development Goals (MDG) framework. The EU raised economic and social rights with third countries during human rights dialogues, organised a high-level event on water security with the United Nations and the United States, and worked closely with UN Special Rapporteurs on ESC rights, as well as made an EU Declaration on World Water Day including a reference to the right of water. The need to ratify and implement International Labour Organisation Conventions was raised regularly with third countries, while the EU provided substantial bilateral financial assistance for projects to promote **labour standards**, such as improving working conditions in the mining sector. Nevertheless, the EEAS recognises that activity in this area can be stepped up; in line with the Action Plan, work began on developing ways of ensuring more comprehensive coverage of ESC rights.

The EU continued to use all **instruments** at its disposal to raise human rights issues with third countries. In 2012, the EU adopted the Agenda for Change which places the promotion of human rights, good governance and democracy at the heart of EU **development cooperation**.<sup>1</sup> Stronger linkages will now be established between EU development grants and loans and the promotion of human rights – including ESC rights – and democracy. Programming Guidelines adopted in 2012 provide that EU development assistance should be adapted to the progress made by third countries on commitment to human rights, democracy and the rule of law.<sup>2</sup> General Budget Support will be provided where there is trust and confidence that aid will be spent on pursuing the fundamental values to which the EU and the partner country are committed; the EU has developed a methodology for assessing fundamental values.

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<sup>1</sup> Council Conclusions on Increasing the Impact of EU Development Policy: an Agenda for Change (3166<sup>th</sup> Council meeting (Foreign Affairs), Brussels, 14 May 2012)

<sup>2</sup> Council Conclusions on the Future Approach to EU Budget Support to Third Countries (3166<sup>th</sup> Council meeting (Foreign Affairs), Brussels, 14 May 2012)

In the area of **trade** policy, the revised GSP Regulation adopted in October 2012 reinforced the mechanism to monitor implementation of human rights obligations by third countries benefiting from the GSP+ trade incentive scheme. The Regulation on trade in goods that could be used for capital punishment or torture was revised to prohibit trade in certain substances used for execution by lethal injection.

In 2012, the EU continued to ensure that human rights clauses were inserted in political framework agreements with industrialised and non-industrialised countries alike, even where it was not easy to reach agreement with the partner country. In 2012, agreements containing a human rights clause were signed with Iraq, Vietnam, Central America and the Philippines. Thirty **human rights dialogues** and consultations were held during the year, at which issues of concern were raised with partner countries. All dialogues were held on the basis of reciprocity, with partner countries taking the opportunity to raise extensive questions concerning human rights issues within the European Union. An increasing number of third countries expressed interest in establishing human rights dialogues or consultations with the EU. A human rights dialogue was established with South Africa, the existing local human rights dialogue with Colombia was upgraded to a capitals-based meeting while human rights consultations were agreed with South Korea; the first round will take place in 2013. In the light of the increasing number of human rights dialogues, the EU is engaged in a process of reflection on how it can make best use of this instrument. Twelve seminars with civil society also took place in parallel with human rights dialogues. The High Representative or her Spokesman delivered 151 **declarations** on human rights in 2012, while confidential demarches were used in a number of instances.

At multilateral level, the EU continued to play a leading role in advocating human rights in the **United Nations** system. At the three **Human Rights Council** sessions in 2012, the EU tabled resolutions on country situations (Syria, Myanmar/Burma, the Democratic People's Republic of Korea and Belarus), as well as thematic resolutions on freedom of religion and belief and rights of the child. The EU supported many other resolutions, including resolutions on Sri Lanka, Iran, Eritrea, Côte d'Ivoire and Somalia. The EU initiated the creation of a new country mandate for Belarus and supported the new Special Rapporteur for Eritrea. The EU firmly supported the work of the Commission of Inquiry on Syria and contributed to securing the extension of its mandate.

During the 67<sup>th</sup> Session of the UN **General Assembly** (UNGA), all EU initiatives were approved with wide support. The EU was pleased that it was possible to achieve consensus on a resolution on Myanmar which acknowledged progress while identifying remaining areas of human rights concerns. The EU was furthermore pleased that the resolution on DPRK was adopted without a vote and that an initiative on Syria, introduced by a broad coalition of countries under Arab lead, achieved record support. Moreover, a comprehensive resolution on human rights in Iran was presented with EU support. The UN annual resolution presented by the EU on freedom of religion or belief was again adopted by consensus. UNGA adopted a resolution on the rights of the child with a focus on indigenous children and, for the first time, a resolution calling for an end to female genital mutilation, an African initiative which was strongly supported by the EU.

The EU continued to work closely with **regional partners**, such as the Organisation for Security and Cooperation in Europe (OSCE) the African Union, the Pacific Islands Forum Secretariat and the League of Arab States. The EU strengthened its close relationship with the Council of Europe by adopting priorities for cooperation; the EU and the Council of Europe continued to implement a significant number of joint programmes concerning the rule of law, democracy and human rights, amounting to some EUR 101 million. The EU, in the General Assembly and the Human Rights Council, also engaged with a thematic organisation like the Organisation of Islamic Co-operation (OIC).

In November 2012, the Norwegian Nobel Committee announced the award of the **Nobel Peace Prize** to the EU in recognition of its work on reconciliation, democracy, promotion of human rights and enlarging the area of peace and stability across the continent. The prize was received by the three Presidents – Mr Martin Schultz, European Parliament, Mr Herman Van Rompuy, European Council, and Mr Jose Manuel Barroso, European Commission, on 10 December. The EU announced that the prize money would be used to support projects providing education for children affected by armed conflict.

# **I Human Rights and democracy throughout EU policy**

## **1 Incorporate human rights in all impact assessments**

### *European Commission*

Since 2006, impact assessments of EU initiatives have been undertaken by the European Commission to map out their potential impact across social, economic and environmental dimensions. Impact assessments are undertaken for legislative proposals, non-legislative proposals with clear economic, social and environmental impact, and non-legislative initiatives which define future policies, including negotiating directives for international agreements.

Although the human rights impact of an initiative initially lay outside the issues considered by the Commission during impact assessments, in 2010 the Commission announced that, in order to ensure compliance with the Charter of Fundamental Rights, it would undertake an assessment of the impact on fundamental rights of its legislative proposals, including those with an external dimension, such as trade agreements or aid regulations. The Commission also confirmed that the Charter applies to EU external policies<sup>1</sup>. In 2011, the Commission adopted Operational Guidance on Fundamental Rights<sup>2</sup> which sets out the steps that Commission services should take in order to reflect fundamental rights in Commission Impact Assessments.

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<sup>1</sup> [http://ec.europa.eu/justice/fundamental-rights/charter/application/index\\_en.htm](http://ec.europa.eu/justice/fundamental-rights/charter/application/index_en.htm)

<sup>2</sup> Operational Guidance on taking account of Fundamental Rights in Commission Impact Assessments, SEC(2011) 567 final

The yearly Commission reports on the Application of the EU Charter of Fundamental Rights<sup>1</sup> highlights how the Charter remains a reference point to integrate fundamental rights into all EU legal acts and when Member States apply EU law. It also presents how a fundamental rights culture is being developed in the EU by setting new legislation, where the EU has competence to act, and through the jurisprudence of the Court of Justice of the European Union. In covering the full range of EU Charter provisions on a yearly basis, the annual reports' aim to track where progress is being made, and where new concerns are arising.

The human rights dimension of impact assessments conducted on trade agreements was strengthened during 2012 (see section 11 below).

### *European Parliament*

2012 was the first year of operation of the European Parliament's Directorate for Impact Assessment and European Added Value, established in response to the Niebler report on guaranteeing independent impact assessments which was adopted by the Parliament on 8 June 2011.

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<sup>1</sup> [http://ec.europa.eu/justice/fundamental-rights/charter/application/index\\_en.htm](http://ec.europa.eu/justice/fundamental-rights/charter/application/index_en.htm)

The Directorate for Impact Assessment is responsible for contributing to strengthening the Parliament's institutional independence and capabilities by helping to identify, quantify and justify its general policy priorities, and by improving its capacity for forward policy assessment, thus supporting the overall objective of better law-making. In this work, the Parliament took account of Commission impact assessments and carried out impact assessments of its own substantive amendments, in line with the Impact Assessment Handbook adopted by the Parliament in 2008. In 2012, the Directorate for Impact Assessment produced a range of assessments relevant to EU external action.<sup>1</sup>

Although human rights are not mentioned in the 2008 handbook, the criteria defined by Parliament include consideration of the impact on vulnerable social groups (social benchmarking) and on gender equality. Moreover, the Directorate for Impact Assessment confirmed the importance it attaches to human rights and will keep this issue under review.

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- <sup>1</sup> Initial appraisal of the Commission's Impact Assessment on the proposal to authorise opening negotiations on a Free Trade Agreement between the EU and Japan; Initial appraisal of the Commission's impact assessment on the proposal for a Directive on the protection of the financial interests of the European Union by criminal law;
  - Initial appraisal of the Commission's Impact Assessment on the proposal for a Council Decision on the association of the overseas countries and territories with the EU; Initial appraisal of the Commission's impact assessment on the proposal for a Regulation establishing the European Voluntary Humanitarian Aid Corps; Initial appraisal of the Commission's impact assessment on the proposal for a Regulation on the Fund for European Aid to the most Deprived.

In line with the Council conclusions on impact assessments in 2011, the Presidency reported to COREPER regarding the state of play on impact assessment in the Council.<sup>1</sup> The report set out the results of a survey on impact assessment across all Council configurations; it noted that impact assessments "do not normally feature in two configurations of the Council, namely General Affairs and Foreign Affairs".

### *Restrictive Measures*

Under the *Guidelines on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU Common Foreign and Security Policy*, the impact of restrictive measures adopted under the CFSP on human rights must be assessed both before the measures are adopted and annually thereafter.<sup>2</sup>

Paragraph 8 of the Guidelines provides as follows: "The introduction and implementation of restrictive measures must always be in accordance with international law. They must respect human rights and fundamental freedoms, in particular due process and the right to an effective remedy. The measures imposed must always be proportionate to their objective."

In 2012, the Guidelines were applied in relation to annual reviews and to the adoption of new measures in relation to Belarus, Myanmar/Burma, Iran, Syria, and Zimbabwe.

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<sup>1</sup> Presidency/Council Secretariat Report on Impact Assessment, 21 November 2012, 16569/12  
<sup>2</sup> 11205/12

Following the adoption of the Council conclusions on The Future Approach to EU Budget Support to Third Countries in May 2012, an assessment of human rights, democracy and rule of law values is carried out to determine whether providing budget support to a partner country is appropriate. The EU will thus assess whether the pre-conditions exist to entrust good governance and development contracts to a partner country, i.e. whether fundamental values of human rights, democracy and rule of law are met and whether such a contract will support broad reforms that lead to poverty reduction and improved governance, while signalling a mutual and shared commitment to universal fundamental values.

In April 2012, in order to form such assessments, the Commission established a Budget Support Steering Committee (BSSC); the EEAS is a member of the BSSC. The Committee will use the Risk Assessment Framework, based on inter alia political reporting from EU Delegations and on-going political dialogue. In September 2012, formal guidelines were established for the programming, design and management of budget support. Chapter 4 of the guidelines is devoted to "fundamental values". It reviews the principles to be followed, the scope of the assessment, how fundamental values are linked to different aspects of Good Governance and Development Contracts (GGDC) and other forms of budget support (Sector Reform Contracts and State Building Contracts), and the process to assess and monitor of fundamental values.

As the Bank of the EU, the EIB is legally bound to the provisions of the Charter of Fundamental Rights of the European Union. Guided by its Statement of Environmental and Social Principles and Standards, the Bank's due diligence is informed by a human rights-based approach on a range of impacts<sup>1</sup>. Human rights considerations inform the EIB's social impact assessment at project level, as outlined in the Bank's Environmental and Social Practices Handbook. The Bank "restricts its financing to projects that respect human rights" and projects or activities failing to do so are specifically excluded from EIB lending<sup>2</sup>.

In reflecting its legally binding obligations (TEU) and in response to the endorsement of the UN Guiding Principles on Business and Human Rights, over the course of 2012 the EIB concluded a Human Rights Gap Analysis exercise with the aim to assess its existing social assessment standards against the provisions of the EU Charter and the UN Guiding Principles on Business and Human Rights. The outcome of this exercise has been guiding the work of the revision of the Bank's social due diligence standards over the course of 2012/3 and it is expected that the recasting of these standards will be an important step in the process of further mainstreaming human rights considerations from an operational point of view into EIB financing activities. This intent has been further probed when, in October 2012, the EIB hosted the annual 'International Social Experts Meeting' (ISEM), addressing ways by which international financial institutions may best integrate human rights in their social due diligence, in particular impact assessment.

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<sup>1</sup> These being: involuntary resettlement/economic displacement; rights and interests of vulnerable populations; labour standards; occupational and public health and safety; public participation and consultation. Depending on the context of the operation, additional topics may also be addressed, relating to governance, transparency and capacity issues; conflict potential and sensitivity related to access to resources or allocation of project benefits; exacerbated inequalities; and complex institutional environments and social dynamics.

<sup>2</sup> Refer to [http://www.eib.org/attachments/documents/excluded\\_activities\\_2012\\_en.pdf](http://www.eib.org/attachments/documents/excluded_activities_2012_en.pdf) for a list of excluded activities

The parallel development of the Results Measurement Framework (REM) is considered to be an important building block in the Bank's enhanced due diligence on, and monitoring of, social aspects, human rights considerations, corporate social responsibility, decent work, environmental principles and good governance in its projects financed.

Finally, in the context of its annual corporate responsibility commitments, the EIB reports on its ESG (environmental, social and governance) performance and, specifically, a number of social and human rights indicators under the Global Reporting Initiative (GRI) exercise.

## 2 Genuine partnership with civil society, including at local level

In 2012, the EU further strengthened its interaction with civil society, both as a key partner consulted to feed EU human rights policy developments and as a particular target of political and financial support, given civil society's indispensable role in empowering people to understand and claim their rights, and in scrutinising the action of public authorities.

EU officials have made it systematic practice to hold consultations with **civil society** in Brussels and in the country before **human rights dialogues** and to carry out debriefings afterwards.

In addition, formal **Civil Society Organisation seminars** bringing European and international NGOs into contact with their counterparts from the countries concerned were organised in 2012 in the framework of the official human rights dialogues held with Argentina, Bangladesh, Brazil, Chile, Colombia, Georgia, Indonesia, Kyrgyzstan, the Republic of Moldova, Mexico, the Palestinian Authority and Tajikistan. A human rights seminar attended by legal experts and CSO representatives from the EU and China was held in Galway in November 2012.

The recommendations of these CSO seminars feed into the official EU human rights dialogues with these countries. As best practice, civil society representatives attended the official human rights dialogues with the African Union, Mexico and the Republic of Moldova to present those recommendations.

Likewise, civil society's input was sought in the preparation of the **Human Rights Country Strategies**, locally and/or at EU headquarters.

Civil society was consulted on several policy developments in 2012, beginning with the elaboration of the **human rights package** adopted by the Foreign Affairs Council on 25 June and subsequently endorsed by the European Council. Civil society's input was also obtained on such matters as the drafting of the EU guidelines on Freedom of Religion or Belief, and on the LGBTI, both still in preparation.

Likewise, the EU Global Approach to Migration and Mobility (GAMM), the EU overarching framework of the EU external migration and mobility policy, highlights the role of the civil society in its implementation. Hence, civil society is systematically engaged in all migration dialogues as well as in the specific cooperation frameworks, Mobility Partnerships, and will be included in the future Common Agendas for Migration and Mobility. Moreover, the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016<sup>1</sup> highlights the role of civil society in its implementation, including their participation in National and Transnational Referral Mechanisms. More specifically, the EU Strategy provides for the establishment of an EU Platform of civil society organisations and service providers working on victim protection and assistance both in Member States and in selected third countries.

Civil society representatives regularly engage with the Council Working Party on Human Rights (COHOM) and are debriefed on its conclusions.

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<sup>1</sup> [http://ec.europa.eu/home-affairs/doc\\_centre/crime/docs/trafficking\\_in\\_human\\_beings\\_eradication-2012\\_2016\\_en.pdf](http://ec.europa.eu/home-affairs/doc_centre/crime/docs/trafficking_in_human_beings_eradication-2012_2016_en.pdf)

Civil Society has continued to be the main recipient of aid from the **European Instrument for Democracy and Human Rights**.<sup>1</sup> In 2012 almost 500 new projects, forming an on-going portfolio of 2500 projects deployed worldwide, were funded in four areas of work:

- EU capacity to address the most difficult situations, to react quickly to human rights urgencies and to establish a comprehensive EU Human Rights Defender mechanism;
- The development of thriving civil societies, empowering them in their quest for and defence of democracy and human rights and their specific role as actors for positive change;
- Thematic campaigns, mixing advocacy and field operations. In 2012 the focus was on the death penalty, impunity, access to justice, torture and ill-treatment, children's rights, women's rights, socio-economic and cultural rights, fundamental freedoms, anti-discrimination and disabilities;
- Promotion of and support for democracy through encouraging and enhancing participatory and representative democracy, and reinforcing the role of civil society and its interaction with universal, international and regional democracy mechanisms, including monitoring and implementing international democracy commitments. In 2012, four EU Electoral Observation Missions were deployed, as well as an Election Assessment Mission to Libya and a number of Electoral Expert Missions.

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<sup>1</sup> <http://www.eidhr.eu/>

In 2012 the EU also started to implement the Council conclusions and the communication on **“The roots of democracy and sustainable development: Europe’s engagement with Civil Society in external relations”**<sup>1</sup>. The EU was tasked inter alia with preparing roadmaps for engagement with CSOs in partner countries. Roadmaps respond to the need to build consistent EU engagement with civil society. They will ensure implementation of the new policy at country level with long-term objectives of EU cooperation with CSOs, dialogue and operational support. This exercise will be linked to the programming of EU external assistance, namely bilateral, regional and thematic cooperation, thus ensuring policy coherence and complementarity between instruments. The human rights country strategies will also be an important reference for programming.

The successful **14th annual EU-NGO Human Rights Forum** held in Brussels on 6 and 7 December was, more than ever before, the product of the joint work of the EU (European External Action Service and the European Commission) and civil society (Human Rights and Democracy NGO network and Dag Hammarskjöld Foundation). It brought together over 200 civil society participants from all parts of the world and representatives from international and regional human rights mechanisms and from EU institutions and Member States to discuss "Promoting universality: the role of regional human rights mechanisms and their cooperation with civil society". It also brought together the heads of the HR departments of regional organisations.

Policy forum and dialogue are complemented by a large series of technical meetings that outreach to CSO, and provide information, facilitation on access, funding and support, i.a. Structural Dialogue, EIDHR Forum, seminar preparing calls.

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<sup>1</sup> COM (2012) 492 final; Council Conclusions “The roots of democracy and sustainable development: Europe’s engagement with Civil Society in external relations”; 3191<sup>st</sup> Council meeting (Foreign Affairs), Luxembourg, 15 October 2012.

### 3 Regular assessment of implementation

The Action Plan provides that in the Annual Report on Human Rights and Democracy in the World the EU will report on its progress in implementing its provisions. Accordingly, the structure of this Report has been revised to follow the structure of the Action Plan; each section of Part A of this Report on the Strategic Framework and Action Plan comprises a summary of implementation of the corresponding part of the Action Plan to date. This structure is intended to provide clarity and simplicity and make the document easier to read and understand.

Nine actions in the Action Plan were to be implemented by the end of 2012.<sup>1</sup> Significant progress was made on achieving most of these objectives.

1. Interim democracy reports were adopted on nine pilot countries in October 2012 and final reporting is expected early in 2013, while plans of action in support of democracy are being developed for most pilot countries.
2. Steps were taken to systematise follow-up to EU Election Observation Missions through making better use of reporting from Heads of Missions and programming of EU assistance, as well as developing new Guidelines for Election Observation Missions and Delegations.
3. A Brussels formation of the Council Working Party on Human Rights was established in November 2012.
4. A list of priority countries and regions for partnerships in the fight against human trafficking was adopted in December 2012.

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<sup>1</sup> Actions 6(a), 6(d), 7, 14(a), 16(a), 18(c), 23(a), 25(b) and 30(b)

5. The EU undertook extensive lobbying to promote UN General Assembly Resolution 67/206 reaffirming the call for a moratorium on the death penalty, which was adopted with an unprecedented number of votes in favour.
6. Human rights focal points and EU Liaison Officers on human rights defenders were appointed in each EU mission. Significant work was also done to facilitate publication of their contact details.
7. Work began on developing Guidelines on Freedom of Religion or Belief. Consultations were held with civil society, and the EU expects to adopt the Guidelines early in 2013.
8. Publication of the report on EU priorities for effective implementation of the UN Guiding Principles on Business and Human Rights was delayed until 2013 in order to take account of discussions at the UN Forum on Business and Human Rights held in December 2012.
9. In August 2012, the European Commission completed its update of the Guidance Note on Disability and Development in line with the UN Convention on the Rights of Persons with Disabilities.

## **II Promoting the universality of human rights**

### **4 Universal adherence**

In line with Article 21 TEU and the Human Rights Strategic Framework and Action Plan, universal human rights standards were further promoted in 2012 as the basis for the EU's engagement with third countries and regional organisations.

At the UN Human Rights Council in 2012, the EU paid close attention to – and sometimes opposed – the content of initiatives, such as those on traditional values and on multiculturalism and human rights, that could undermine the universality of human rights. The EU clearly expressed its views in statements and explanations of votes.

The EU encouraged and closely followed the emergence of a new ASEAN human rights declaration in 2012, stressing that this is an important step towards strengthening the protection of human rights in Asia. However, High Representative Ashton also emphasised the need to ensure that implementation adequately addresses any problems of compatibility with international standards, notably the Universal Declaration of Human Rights and the relevant United Nations human rights treaties.

In 2012 the ratification of UN human rights instruments became a standard element of engagement, notably in human rights dialogues, in the light of the situation of the third country concerned as identified in the human rights country strategies.

In addition, in 2012 the EU completed its campaign for universal ratification of the two Optional Protocols to the Convention on the rights of the child and the related ILO Convention 182 on the worst forms of child labour. The campaign was linked to the 10th anniversary of the entry into force of those instruments early in 2012. The EU campaign had a positive impact, contributing to ratification of the Optional Protocol on the Involvement of Children in Armed Conflict by 7 States, whilst the Optional Protocol on Sale of Children, Child Prostitution and Child Pornography was signed by one State and ratified by 10 others and ILO Convention 182 was ratified by one State. Some 12 States can be expected to ratify in the short to medium term, given their positive reactions during the EU lobbying campaign. In some instances, this may be conditional upon the availability of assistance.

Cooperation with the Pacific Island Forum (PIF) Secretariat was established through an EIDHR project to promote ratification of UN human rights instruments by PIF Member States.

Likewise, the implementation of recommendations from UN Treaty bodies and special rapporteurs, and of States' own commitments under the Universal Periodic Review, have now become standard elements of bilateral engagement on human rights with third countries. In its bilateral contacts the EU also routinely advocated extending standing invitations to UN special rapporteurs.

The EU continued in 2012 its engagement with partner countries and organizations on freedom of religion and belief, paving the road for continued consensus on the resolutions presented by the EU at the Human Rights Council and in the General Assembly. The EU also engaged with partners, notably the OIC, on the fight against religious intolerance and the adoption of the related UN resolutions, with the aim of upholding a human rights focus based on universal standards on freedom of religion or belief.

## 5 A culture of human rights and democracy in EU external action

In line with the EU Action Plan on Human Rights and Democracy, the EEAS provided **training on human rights and democracy throughout 2012**, notably through the "Human rights series" organised three times a year for a full week (March, June, October 2012).

Three general sessions on Human Rights and democracy policy in EU external relations were followed by specialised modules on non-discrimination (FoRB, disability, LGBT), gender equality, children's rights, international criminal justice, democracy support and election observation, human rights in the UN context, and the Council of Europe and human rights. For some of these training courses, the EEAS called upon the expertise of academics, NGOs from the Human Rights and Democracy Network, UN agencies and the Council of Europe.

These training modules were attended by EEAS and European Commission staff (both from headquarters and from delegations), CSDP mission and operation staff, MS diplomats and EP staff. With a daily average participation of 35 staff members, they represented an important element of mainstreaming human rights and democracy throughout the policies of the EU. The courses were advertised through the network of human rights focal points in delegations, with the result that a significant number of delegation staff enrolled (52 people from 48 different countries) and shared best practices on topical human rights issues.

To give a new impetus to staff training, in September 2012 the EEAS launched a mapping exercise of human rights and democracy training courses run by Member States, with a view to collating best practices and joining forces. Seven Member States shared their experiences.

A number of other training courses on human rights and democracy took place as part of pre-deployment sessions for Heads of Delegation and policy officers, Heads of cooperation, seminars for Member States' diplomats, the EEAS induction series and DG DEVCO regional seminars, and in response to ad hoc requests. A presentation on human rights and democracy is now systematically included in all pre-posting training.

In 2012 the EU also continued to support human rights education throughout the world through a variety of financial instruments, including the European Instrument for Democracy and Human Rights. Projects promoted by academic institutions and NGOs in various regions targeted a wide range of people, from schoolchildren to community leaders and police authorities, including the most vulnerable groups. The European Inter-University Centre for Human Rights and Democratisation (EIUC) and its network of Regional Masters in Africa, Asia-Pacific, Balkans, Caucasus and Latin America are examples of successful projects in this field. Regrouping more than 81 universities worldwide, the network provides an interdisciplinary centre of excellence offering post-graduate training on Human Rights for hundreds of students, future leaders, private sector, CSO, civil service and EU Delegation staff. In 2012, the EIUC network has initiated the negotiations to establish an additional Regional Masters' programme for the Southern Mediterranean region.

In line with the EU Action Plan on Human Rights and Democracy, all EU Delegations and CSDP missions have been requested to nominate **human rights focal points and to publish the contact details on their websites**. By the end of 2012, all 140 Delegations and all 15 CSDP missions and operations had done so. In many cases, two focal points have been nominated, one in the political section and one in the operations section (215 focal points in total). Specific liaison officers on human rights defenders have been designated in 101 countries. 67 Delegations have already published the contact details of their human rights focal points on their websites. Six Delegations have decided not to do so for security reasons.

Human rights focal points play a central role in coordinating the local implementation of human rights country strategies. They also provide headquarters with expertise on local developments, address individual cases, deliver demarches and conduct outreach on EU priorities at the UN General Assembly Third Committee and at the Human Rights Council. On all these issues, focal points were encouraged to share best practice. There will be an opportunity to do so at the first meeting of Human Rights Focal Points in Brussels on 28 February 2013.

The process of preparing and implementing the human rights country strategies has created a new dynamic of **joint work on human rights by EU Delegations and Member States' embassies**. In 2012 this resulted in many places in the setting up of human rights working groups established at policy counsellor level and also involving human rights experts in the cooperation sections of EU delegations and Member States' embassies. Many of these working groups also allowed better coordination of information and action on human rights defenders, resulting in effective division of labour between the local EU partners. The EEAS will continue to promote such local human rights working groups as best practice.

### **III PURSUING COHERENT POLICY OBJECTIVES, INTERNALLY AND INTERNATIONALLY**

#### **6 Effective support for democracy**

In the pursuit of coherent objectives, and on the basis of the commitments in Article 21 TEU, the EU continued its work on strengthening democracy and democratisation across the globe in 2012.

The main instruments used were political dialogue with consistent messages, backed up by electoral observation missions and development cooperation measures.

Work on coherence can be carried out most effectively at country level and starts with coherence between EU instruments, including political dialogue. It extends to cooperation between the EU and the Member States, with messages and activities being aligned and coordinated, and it has achieved its purpose when support is agreed and jointly carried through with the partner country. An increased focus on sustainable results, including support for democracy, is being developed.

In addition to election observation missions, which are very visible instruments in support of credible electoral processes, activities through the European Instrument for Democracy and Human Rights (EIDHR) to support the further development of civil and political rights and economic, social and cultural rights are implemented in partner countries through cooperation with civil society organisations.

Support for democracy also takes place on a larger scale in the form of support to various public sector institutions which is intended to increase services to citizens and foster the implementation of economic and social rights. Support is also provided to parliaments and citizens' organisations and decentralisation measures are fostered, with the aim of expanding the political space, ensuring that citizens have a voice and are represented. Capacity building and institutional support are carried out mainly through the Development Cooperation Instrument (DCI), the European Neighbourhood Policy Instrument (ENPI) and the European Development Fund (EDF).

Implementation of the November 2009 and December 2010 Council conclusions is now part of the democracy and human rights commitments under the Strategic Framework and Action Plan.

**In 2012, work continued in the EU Delegations together with Member States in the nine remaining pilot countries for democracy support (Benin, Bolivia, Ghana, Indonesia, Kyrgyzstan, Lebanon, Maldives, Mongolia and the Solomon Islands,** identified in the Council conclusions of December 2010) in view of completing the democracy profiles and establishing democracy action plans. An interim report was adopted in October 2012. End-of-year reporting and the conclusion of the first generation pilot phase is expected in early 2013.

All the **pilot delegations** have delivered descriptive reports, i.e. mapping of the activities of the donor community in support of democracy in the pilot country. Most of them have also analysed the needs and are developing plans of action in support of democracy.

Work will continue in 2013, and the draft templates will be revised in the light of the reports received. Results so far show that reports focusing on democracy yield additional information on political structures and the quality of institutions and provide an assessment of political processes that either strengthen or undermine democracy. They also demonstrate the need for further development of the tools, both in terms of staff development and training and in terms of guidelines and templates for analysis, identification of actions and implementation and assessment of activities in support of democracy.

Lessons learnt from the first pilot generation will provide the foundation for launching a second generation of pilot countries.

The purpose of democracy profiles is to give an EU assessment of the state of democracy in a given country, to systematise information on key aspects and to assess prospects for change. Ideally this should be done in cooperation with both local stakeholders (from official bodies and civil society) and international stakeholders. A tentative conclusion emerging from the content provided in the first generation is that the information collected will have a relatively long shelf-life and provides useful background for political dialogues, development cooperation activities and electoral observation/assistance.

Democracy action plans are intended to reflect an agreed assessment of those areas in need of EU/EUMS support and other support for the strengthening of democracy. Ideally, these areas are agreed jointly between the EU/EUMS (and other donors) and the partner country. The purpose is to increase coherence and ownership of actions and to yield sustainable results. Democracy profiles and action plans will be presented to the Council and will be used to further develop the methodology. The ultimate ambition is to produce tools that are globally applicable.

Genuine elections are an essential basis for a functioning democracy and a key element of sustainable development. The EU believes that measures safeguarding the right to participate in genuine elections can make a major contribution to peace, security and conflict prevention. In 2012, the EU continued to vigorously support electoral processes around the globe by sending **EU Election Observation Missions (EOMs) and Electoral Expert Missions (EEM)** at the invitation of the authorities and by providing electoral assistance upon request and support for domestic observers.

A mid-term review was also organised in June to improve the functioning and use of funds for EOMs and EEMs.

EOMs were deployed this year in Senegal, Algeria, Timor-Leste and Sierra Leone. Because of specific security conditions, an Electoral Assessment Team (EAT) was sent to Libya. Electoral Expert Missions were also deployed in Egypt, Yemen, El Salvador, Guinea Bissau, Senegal, Mexico, Angola and Ghana.

The EU further reinforced the long-term approach to electoral processes by starting to evaluate as many aspects of the electoral cycle as possible before the elections (for example, voter registration) and after them (follow-up of the EOM recommendations). With a view to fulfilling the commitment in the EU Strategic Framework and Action Plan on Human Rights and Democracy, the EU institutions took steps to systematise the follow-up of the EU EOMs through better use of existing instruments, such as regular reporting from the Heads of Missions and programming of EU assistance, and the development of new tools such as guidelines and instructions to delegations for follow-up missions. To increase the impact of EOMs, the EU embarked on a first round of follow-up missions in the middle of the electoral cycle designed to strengthen the implementation of recommendations from the previous elections in order to improve conditions for the next elections. In December 2012, the EU carried out a follow-up mission in Malawi to study the progress made in electoral reforms and contribute to the preparations for the next elections in 2014. Several more missions are in preparation for 2013.

Aware that the nature and format of the recommendations are essential to their successful implementation, the EU continued to improve methodological guidance for its observation missions on these and other issues, notably through the NEEDS project.

### *NEEDS Project 2008-2012*

The Network for Enhanced Electoral and Democratic Support (NEEDS) 2008-2012 was the third project funded by the EU in this area. This project aimed at:

- 1) Contributing to the consolidation of a consistent methodology used by EU EOMs in line with international and regional standards for democratic elections (including links with electoral assistance);
- 2) Improving EU observers' capabilities, through the development of a common EU approach to the recruitment and training of observers;
- 3) Supporting the democratic process in third countries, through targeted support to domestic observer groups and other relevant civil society organisations through regional partners; in this context, developing and promoting strategies for the implementation of EU EOMs recommendations, including capacity-building.

The three-year project (extended for one additional year) resulted in several useful tools and guidelines on EU EOM methodology, organising training for hundreds of long-term and short-term observers and core team members and enhancing the capacities of civil society organisations and regional networks.

These objectives will remain the core of the support provided by the Electoral Observation and Democracy Support project (2013-2017) led by GIZ and Eris, with the support of their regional and national partners in Africa, Asia and Latin America.

The EU continued to take the lead in coordinating the efforts of various EOMs in the field and was involved in supporting the strengthening of other regional organisations' capacities (e.g. the African Union and the League of Arab States). EU Delegations were encouraged to follow up OSCE/ODIHR election observation recommendations.

*Cooperation between the League of Arab States (LAS) and the EU*

In 2012, the NEEDS Project facilitated a 10-day programme of exchanges and activities bringing together the League of Arab States (LAS) and the European Union (EU) to talk about the challenges of election observation missions. The meeting took place from 7 to 17 October 2012, starting with meetings in Brussels followed by an LAS trip to observe the Lithuanian parliamentary election on 14 October. The LAS delegation brought 14 professional members from its head office involved with LAS election observation missions and a representative of the EC/LAS Liaison Office in Malta.

The seminar provided LAS and EU officials with the opportunity to exchange current practices and approaches to election observation and electoral assistance methodologies. They thus learned more about each other's experiences in observation and obtained a comparative overview of the methodologies and strategies of various other international and regional groups sponsoring election observation groups.

In many countries, the EU supported credible national observer networks through funding and capacity-building. The EU also continued to provide technical and material support to electoral processes, notably to Electoral Management Bodies (EMBs), material support to voting and registration operations, and increasingly also to key stakeholders other than the EMB, so as to promote inclusiveness and acceptance of the process. This included accompanying CSOs in areas such as voter/civic education; promoting an impartial and professional media sector including training journalists; providing training for political party members and candidates, including intra-party dialogue and gender issues; promoting the adoption of sound electoral dispute resolution mechanisms and strengthening the judiciary.

In 2012, the EU provided electoral assistance in a number of countries including Burkina Faso, El Salvador, Nigeria, Pakistan and Togo. Without reducing its worldwide effort and focus, the EU has been strengthening its support for the wave of democratisation in the southern Mediterranean and the Middle East. Support was thus provided to the democratic reform processes in Jordan and Libya. Support is in preparation for countries in the process of consolidating their democratic institutions, such as Nepal and Tanzania, and for countries having undergone a crisis where transitional institutions are to be replaced by democratically elected institutions, such as Madagascar.

Knowledge and policy development and collaboration with the main players in the electoral assistance domain continue to be priorities for the EU. A thematic workshop on "Elections and ICT", held in Mombasa, Kenya, in March 2012, was attended by over 200 participants comprising representatives of electoral commissions from many developing countries. The workshop was organised in collaboration with the UNDP. It produced a comprehensive summary report and was turned into an eLearning course.

## **7 A standing capability on human rights and democracy in the Council of the EU**

**The Council Working Party dealing with all human rights aspects of the external relations of the EU (COHOM)** brings together the EU Member States, the European Commission and the European External Action Service. COHOM is responsible for the strategic development and implementation of EU policy in the field of human rights and democracy, including the various EU guidelines on human rights, the human rights dialogues and consultations with third countries and the mainstreaming of human rights in EU external action.

A key task is the identification of the strategic priorities of the EU in multilateral human rights forums, in particular the UN Human Rights Council and the Third Committee of the UN General Assembly. COHOM was the driving force behind the drafting of the EU Strategic Framework and Action Plan on Human Rights and Democracy and it oversees its overall implementation.

COHOM has periodic exchanges of views with the Chair of the European Parliament Subcommittee on Human Rights and with civil society representatives. Several other high-level guest speakers, such as the UN Special Rapporteurs, also address COHOM on specific topics on a regular basis.

In recent years, the Working Party has seen a substantial increase in its workload and meeting time due to the expansion of EU human rights policy. For example, the overall meeting time during the first half of 2012 was almost double the time in 2010. These new circumstances required a change in working methods.

**The usual meetings in the capitals, attended by the Human Rights Directors of the EU Member States, are now complemented by regular meetings of the Brussels formation** which was established in November 2012. The main objective is not only to address COHOM's increased workload but also to allow it to react more quickly to developments and to ensure close interaction with the Political and Security Committee and others, in particular the Council Working Parties dealing with geographic areas. This is a clear illustration of the EU's determination to promote human rights and democracy throughout all its external actions.

Building on the existing practice of rotating Presidencies, COHOM has established **task forces** whose role is to support COHOM's work in specific priority areas through in-depth preparation and discussion of several topics, in particular the implementation of EU guidelines in the field of human rights (for example, the death penalty, torture, children and armed conflict, human rights defenders, rights of the child, violence against women and girls). These task forces are a practical way of bringing the relevant experts together from the EEAS, Commission services and the Member States and sharing the burden in an informal way.

At present, informal **burden-sharing arrangements** also exist in the UN human rights forums (Third Committee of the General Assembly and Human Rights Council) and other multilateral organisations such as the Council of Europe and the OSCE.

Effective burden-sharing arrangements ensure broad political support and also allow the best use of expertise and capabilities. Discussions on how to further strengthen burden-sharing will continue in 2013.

## **8 Achieving greater policy coherence**

The EU is committed to **human rights in all spheres**. The EU and its Member States are committed to ensuring respect for human rights within the EU's borders. Outside its territory, the EU is determined to promote human rights and democracy through all its external actions in line with Article 21 of the Treaty on European Union. Efforts have been made in 2012 to address issues of coherence and consistency between the EU's internal and external human rights policies. Cooperation between the Council Working Party on Fundamental Rights, Citizens' Rights and Free Movement of Persons within the EU (FREMP) and the Working Party on Human Rights in external action (COHOM) will be intensified in 2013.

## **9 Respect for economic, social and cultural rights**

Economic, social and cultural rights (ESCR) are part and parcel of the EU's external human rights policy, reflecting a strong commitment to the universality and indivisibility of all human rights. Various tools were employed in 2012 to promote, protect and respect these rights, including high-level advocacy and public diplomatic efforts.

In intergovernmental negotiations, the EU advocated the recognition of the links between the implementation of human rights standards and sustainable development and poverty eradication. ESCR were also discussed with some partners in the EU's human rights dialogues during 2012. For example, the human rights dialogue with Colombia, Georgia, Ukraine and Vietnam addressed ESCR in 2012, from several angles including labour rights and land rights. This will now be done on a more systematic basis, as required under the Action Plan on Human Rights and Democracy.

Throughout the year, the EU actively supported and cooperated with several **UN Special Rapporteurs working on ESCR**, such as the mandate holders for the right to food and water.

During the 2012 UNGA Ministerial Week, the EU jointly organised with the USA and UN Water a **high-level event on water security** and its importance for food and energy supplies and economic and social development. HR/VP Ashton and U.S. Secretary of State Clinton addressed the roundtable meeting. Participants [urged cooperation and swift action to prevent water scarcity](#) and suggested that water management could be improved through partnerships between government, business and educational establishments. Water security was also addressed at the informal meeting of EU Foreign Ministers held in Cyprus in September.

As the world's biggest provider of development assistance, the EU took concrete action to support its partners in realising ESCR. Under the EIDHR implementation strategy, the EU committed to enhancing its support for ESCR initiatives, including by advocating the signature and ratification of the ICESCR and its Optional Protocol.

**Action 9** of the EU Strategic Framework and Action Plan on Human Rights and Democracy, "respect for economic, social and cultural rights", establishes that the EU should (a) contribute to shaping the agenda on economic, social and cultural rights with specific focus on the UN Human Rights Council and in close cooperation with the respective UN Special Rapporteurs, and (b) address specific questions related to economic, social and cultural rights in its dialogues with third countries.

A work plan to this effect will be drawn up by mid-2013. Related discussions began in COHOM in November 2012 on the basis of a Portuguese non-paper, and will continue in early 2013.

**Action 10** commits the EU to working towards the promotion of human rights in development cooperation and (Action 10(c)) to integrate human rights issues in the EU advocacy on the global development agenda and other global issues, in particular the post-Millennium Development Goals process. Work is already underway to **ensure a focus on human rights, democracy and good governance in the post-2015 development agenda.**

During 2012, the EU continued its close cooperation with the International Labour Organisation (ILO). It implemented the Commission Communication "[Increasing the impact of EU Development Policy: an Agenda for Change](#)" (October 2011) which highlights the importance of employment and decent work for an inclusive growth framework which allows people to participate in, and benefit from, wealth and job creation.

In July 2012, the European Inter-University Centre for Human Rights and Democratisation (EIUC) – supported by EIDHR funding – convened a diplomatic conference in Venice, Italy, on "The EU and Economic, Social and Cultural Rights". The conference brought together relevant stakeholders (such as academics and human rights and democratisation experts from the EU institutions and Member States) to discuss ways to enhance EU policy on economic, social and cultural rights.

In March 2012, the EEAS organised **staff training on economic, social and cultural rights**. Staff of the EEAS, European Commission and Member States' Foreign Ministries participated in this.

## IV HUMAN RIGHTS IN ALL EU EXTERNAL POLICIES AND INSTRUMENTS

### 10 Working towards a rights-based approach in development cooperation

A series of policies and actions aimed at improving the rights-based approach in development cooperation were launched in 2012. The "Agenda for Change"<sup>1</sup> and "Budget Support Guidelines"<sup>2</sup> set human rights, good governance and democracy as a priority in EU development cooperation. The European Parliament Resolution of 23 October 2012, "**Agenda for Change: the future of EU development policy**"<sup>3</sup>, called on the Commission and EEAS "to live up to their pledge of a 'human rights-based approach' across the entire development cooperation process".

Inclusive growth and social and economic welfare are inextricably linked to human, civil and political rights. According to the new **Programming Instructions**<sup>4</sup>, the EU should increasingly engage with partner countries to promote democracy, human rights and the rule of law. The EU should also adapt its support (mix and level of aid, methods and arrangements) to the country's own commitment to human rights, democracy and the rule of law, and its ability to implement reforms and to meet its people's demands and needs. The new Budget Support Guidelines<sup>5</sup> recognise that general budget support should be provided where there is confidence that aid will be spent pursuing the fundamental values and objectives to which the EU and partner countries have committed. In this respect the EU has developed the "Assessment of Fundamental Values (Chapter 4 and Annex 12 to the Budget Support Guidelines) which should be carried out for various kinds of contracts. For Good Governance and Development Contracts, commitment to fundamental values is now a pre-condition.

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<sup>1</sup> Council Conclusions on Increasing the Impact of EU Development Policy: an Agenda for Change (3166th Foreign Affairs Council Meeting, Brussels, 14 May 2012).

<sup>2</sup> Reflecting the new policy spelled out in Council Conclusions "The Future Approach to EU Budget Support to Third Countries"; 3166<sup>th</sup> Foreign Affairs Council Meeting, Brussels, 14 May 2012.

<sup>3</sup> 2012/2002(INI).

<sup>4</sup> Instructions for the programming of the 11th European Development Fund (EDF) and the Development Cooperation Instrument (DCI) – 2014-2020 adopted on 15 May 2012.

<sup>5</sup> Adopted in September 2012.

Furthermore, the proposals presented in December 2011 for the Multiannual Financial Framework 2014-2020 show the shift from human rights and democracy as a cross-cutting issue (very often tackled only by thematic instruments), to a sector-wide approach. Thus human rights and democracy are no longer considered as "add-ons" but rather as the foundation for more coherent and effective programming. EU action will therefore take several forms: human rights pre-conditions for general budget support, a more flexible and reinforced European Instrument for Democracy and Human Rights, enhanced cooperation and outreach to civil society, but above all mainstreaming human rights, democracy and good governance across all geographical instruments. The EU will thus ensure that projects linked to democracy, human rights and rule of law do not only target judicial reforms or institution building, but also infrastructure and environmental projects. For example, the EU will ensure that the people affected can make their views and needs known, i.e. exercise their human rights. In this spirit the EU will develop a "toolbox for working towards a rights-based approach to development cooperation"<sup>1</sup> in 2013. The human rights country strategies should be a key element of programming.

In parallel to the programming exercise, the EU is currently improving coherence and coordination between the follow-up to **Rio+20 and the post-2015 development agenda**, underlining that the post-2015 objective should be to provide "A Decent Life for All" by 2030. Issues related to democratic governance, the rule of law and the full realisation of human rights are important for achieving sustainable development. The EU will therefore work to ensure that these key issues are integrated in the post-2015 global development agenda.

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<sup>1</sup> Action 10(a) of the Action Plan to the EU Strategic Framework on Democracy and Human Rights.

## 11 Make trade work in a way that helps human rights

In early 2012, the Commission adopted a Communication on "Trade, Growth and Development: Tailoring trade and investment policy for those countries most in need"<sup>1</sup> which reaffirmed that, in accordance with Article 3(5) TEU and Article 207 TFEU, **EU trade policy** is guided by the core values underlying its own existence, including the respect for and promotion of human rights and sustainable development.

On 25 October 2012, the Council adopted Regulation No 978/2012 applying a scheme of generalised tariff preferences, which replaces the previous **Generalised Scheme of Preferences (GSP) Regulation**. The new GSP Regulation reinforces the mechanism for monitoring compliance by GSP+ beneficiaries with international conventions, including core human rights conventions. The Commission will enhance reporting on the implementation record of GSP+ beneficiaries by reporting to both the Council and the European Parliament every two years. These enhanced provisions will apply once the new preferences come into force on 1 January 2014.

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<sup>1</sup> COM (2012)27

**EU Free Trade Agreements** are linked through "passerelle" clauses to the corresponding political framework agreements, which include human rights clauses. If there is no Association or Framework Agreement in force, a separate human rights clause is inserted in Free Trade Agreements. This approach was taken in the FTA with Colombia /Peru signed in June 2012, which received the consent of the European Parliament in December. Impact Assessments are carried out prior to a Commission proposal to open trade negotiations, while Sustainable Impact Assessments (SIAs), conducted during the negotiations, allow for more detailed analysis. The human rights dimension of both these processes has been further enhanced since the adoption in 2011 of the Operational Guidance on taking account of Fundamental Rights in Commission Impact Assessments. This approach was put in practice in 2012 before starting negotiations on a Free Trade Agreement with Japan and for a first stand-alone bilateral Investment Agreement (a new EU competence under the Lisbon Treaty) with China, as well as in the SIAs on the Deep and Comprehensive Free Trade Agreements with Georgia and the Republic of Moldova.

Concerning the **Regulation No 1236/2005** concerning trade in certain goods which could be used for capital punishment or torture, in December 2011 the European Commission added sodium thiopental and similar substances used in lethal injections to the list of goods subject to export controls<sup>1</sup>. Responding in particular to calls from the European Parliament, the Commission has started, with the assistance of a group of experts, a general review of Regulation No 1236/2005, to be completed in 2013. The review will consider whether the list of controlled goods should be amended further, and will examine whether additional measures should be proposed.

The Commission has initiated consultations on the possibility of adapting the application of certain provisions of the existing Export Control Regulation No 428/2009 to control exports of certain sensitive technologies that could be used in violation of human rights in conflict zones and under authoritarian regimes.

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<sup>1</sup> Commission Implementing Regulation (EU) No 1352/2011 of 20 December 2011.

As an example, following the progressive deterioration of the situation in Syria, the Council Regulation No 36/2012 “concerning restrictive measures in the view of the situation in Syria” imposed a ban on the export of equipment of software intended primarily for the use of monitoring or interception of the Internet and telephone communications by the Syrian government; the ban entered into force in the EU on 18 January 2012.

During the UN Conference on an **Arms Trade Treaty**, the European Union and its Member States made clear their conviction that arms transfers must be denied where there is a clear risk that the arms will be used for serious violations of international human rights law or international humanitarian law.

## **12 Reflect human rights in conflict prevention and crisis management activities**

The EU continued to implement and consolidate its specific human rights and gender equality policies within the Common Security and Defence Policy. **Human rights and gender mainstreaming** continued to form part of the planning, implementation and evaluation process for CSDP missions and operations. The EEAS set up an internal task force on human rights and gender mainstreaming in CSDP, to regularly bring together stakeholders from all relevant services. The recommendations of the Council's 2010 report "Lessons and best practices of mainstreaming human rights and gender into CSDP military operations and civilian missions"<sup>1</sup> continued to be a reference point for EU action in this area, alongside the specific commitments stemming from the EU Action Plan on Human Rights and Democracy.

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

In June 2012, the human rights advisers and gender advisers of CSDP missions and operations held their yearly meeting, this time back-to-back with the EU Member States annual implementation meeting on **UNSCR 1325**. The meeting allowed them to exchange best practices and make practical recommendations on how their work could be better supported. Sixty percent of civilian missions and all operations included a human rights and/or gender adviser or trainer (EUTM Somali) as part of their staff in 2012.

There was further development of **training modules** on human rights, child protection and gender, in cooperation with training institutes from EU Member States and civil society groups, and these should be ready in 2013. These pre-deployment training modules, based on standard training elements agreed by Member States in 2010, are aimed at mission and operation personnel. Dedicated training sessions to familiarise EU and Member States staff with the EU's human rights commitments in the field of CSDP continued to be organised, notably as part of the ESDC and EEAS training programmes.

In accordance with the Action Plan, in 2012 the EEAS started to develop a **conflict early warning system** in which human rights violations are included as indicators. The system will enhance the EEAS' capacity to identify risks of violent conflicts and options for early action by the EU. It will be piloted in eight countries in the Sahel region in early 2013.

In terms of cooperation with international organisations, the EU-UN steering committee exchanged **best practice on mainstreaming human rights into crisis management** at its November 2012 meeting. The EU-AU dialogue in November 2012 also allowed for an exchange of views on this matter.

**Civil society** was also closely involved in the EU's work in this area, notably through participation in the human rights and gender advisers' annual meeting and by means of regular exchanges of views at working level, in Brussels and in mission and operation theatres.

In March 2012, the Council completed its review of the **operational document** "Implementation of UNSCRs on Women, Peace and Security in the context of CSDP missions and operations"<sup>1</sup> which was adopted in 2008.

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<sup>1</sup> 7109/12. Refers to UNSCR 1325 as reinforced by UNSCRs 1820, 1888, 1889 and 1960.

EUTM Somalia is an EU training mission aimed at Somali soldiers as part of the Security Sector Reform process undertaken in Somalia. The mission is located in Uganda, with Headquarters in Kampala and a training camp in Bihanga. Since its launch in 2010, EUTM Somalia has trained around 3 000 Somali soldiers who now form the basis for the new Somali National Armed Forces.

In addition to training related to the soldiers' duties, a module on Human Rights and Democracy is permanently on the training curriculum. The topics covered under this module include: human rights related to the duties of a soldier, children's rights, women's rights, the concept of family (particularly relating to IDPs), the democratic system and the role of the Somali Armed Forces in a democratic Somalia. A total of 12 sessions of two hours each were dedicated to these topics. This module is compulsory for all trainees, independent of rank or specialisation. In order to validate the training given, human rights violation scenarios were included in the final exercise.

Besides educating the trainees about basic principles, the Human Rights and Democracy training also instils a sense of pride and esprit de corps in the soldiers, who now consider protecting their fellow Somali citizens to be their main mission. It has also help enhance cohesion between the different units who often originate from different clan backgrounds. EUTM Somalia is committed to continue providing training in Human Rights and Democracy to Somali trainees and will endeavour to keep its curriculum up-to-date with the latest developments, in particular those concerning Somalia. The next step is to include respect for human rights in the policies of the Somali National Armed Forces, and set up their own in-house training capability. All these elements are included in the revised mandate of EUTM Somalia.

### 13 Entrench human rights in counter-terrorism activities

The EU attaches great importance to guaranteeing the full and effective protection of human rights and fundamental freedoms in the counter-terrorism in Europe and around the world. 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 institutions and a number of Member States participated in a conference on "**Fair trial and due process in the counter-terrorism context**" organised by the UN Counter-Terrorism Implementation Task Force and the UN Human Rights Office in Brussels in July 2012. The EU reaffirmed the importance of ensuring respect for human rights in the fight against terrorism.

The Danish Presidency organised a workshop on counter-terrorism and human rights, with a particular focus on **capacity-building assistance**, in Copenhagen in March 2012. To accompany the workshop, the Danish Minister for Foreign Affairs, the EU Counter-Terrorism Coordinator (CTC) and the UN Special Rapporteur on Counter-Terrorism and Human Rights published a joint press article entitled "Counter-Terrorism and Human Rights: you can't have one without the other". A number of Member States presented their best practices, such as the Danish Institute for Human Rights' Practical Guidance Paper on Counter-Terrorism and Human Rights, and the UK's Overseas Security and Justice Assistance Human Rights Guidance.<sup>1</sup>

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<sup>1</sup> These papers can be accessed at:  
[http://eu2012.dk/en/Meetings/Conferences/Mar/~/\\_media/Files/Conferences/Jan\\_Mar/countering%20terrorism/Draft%20Practical%20Guidance%20Paper%20on%20Counter-Terrorism%20and%20Human%20Rights.pdf](http://eu2012.dk/en/Meetings/Conferences/Mar/~/_media/Files/Conferences/Jan_Mar/countering%20terrorism/Draft%20Practical%20Guidance%20Paper%20on%20Counter-Terrorism%20and%20Human%20Rights.pdf); and  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/35447/osja-guidance-151211.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/35447/osja-guidance-151211.pdf).

The EU continued to promote the use of the **criminal justice system in the fight against terrorism** and provided assistance to several countries, such as Pakistan and countries of the Sahel, to strengthen their criminal justice systems to enable the effective investigation and prosecution of terror suspects in compliance with human rights and the rule of law.

The EU supported the criminal justice / rule of law working group of the **Global Counter-Terrorism Forum (GCTF)**. The Rabat Memorandum on Good Practices for Effective Counterterrorism Practice in the Criminal Justice Sector was adopted at the Istanbul GCTF Ministerial Meeting in June 2012. Moreover, the High Representative welcomed the proposal to establish a Justice and Rule of Law Training Institute, which will develop training programmes on the use of the criminal justice system to combat terrorism in accordance with human rights for countries in transition, especially in the Mediterranean region.

In line with the 2011 Joint Commission/High Representative Communication on the Southern Neighbourhood, which underlined the importance of **EU support for deep democracy**, including the rule of law and security sector reform, the EU offered assistance on comprehensive security sector reform to southern Mediterranean countries in 2012. Moreover, the EU explored how to develop cooperation on counter-terrorism with regional organisations, such as the League of Arab States.

The EU continued its detailed **biannual dialogue with the US State Department** Legal Adviser on international law and counter-terrorism.

The adoption of the National Defense Authorization Act (NDAA) by the US Congress in December 2011 raised concerns in the EU about its compatibility with international law, in particular the mandatory military detention of certain foreign terror suspects and indefinite detention of terror suspects without trial. The EU and its Member States provided comments to the US Administration during the development of implementing regulations for the NDAA in early 2012.

On 11 September 2012, the European Parliament adopted a **Resolution on the alleged transportation and illegal detention of prisoners in European countries by the CIA**. In its response, the European Commission underlined that practices referred to as "renditions" constituted a serious violation of several fundamental rights and the fight against terrorism could not justify such unacceptable practices. The Commission stressed that it was for the Member States concerned to commence or continue detailed, independent and impartial investigations to establish the truth.

#### **14 Ensure human rights underpin the external dimension of work in the area of freedom, security and justice (FSJ)**

On 19 June 2012, the Commission adopted an EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016<sup>1</sup>, which complements Directive 2011/36/EU on preventing and combatting trafficking in human beings. Implementation of the strategy will be monitored by the European Commission, and more specifically the Office of the EU Anti-Trafficking Co-ordinator. The Strategy pays close attention to the external dimension of trafficking in human beings and the importance of co-operation with third countries. It also underlines the key role of civil society, including civil society organisations' participation in National and Transnational Referral Mechanisms, and provides for the establishment of an EU Platform of civil society organisations on victim protection and assistance in Member States and selected third countries.

In October 2012, the European Council adopted Conclusions<sup>2</sup> welcoming the Strategy and reaffirming the determination of Member States to fight trafficking.

Furthermore, the Justice and Home Affairs Council adopted on 6 December the second implementation report under the 2009 Action Oriented Paper on strengthening the external dimension on actions against trafficking. This report includes a list of countries and regions with which the EU should develop more concrete partnerships and identify specific areas of co-operation. Co-operation with the priority countries will aim at capacity building, including training and education, and take into account the human rights situation in the priority country involved. The list of priority countries and regions will be updated at regular intervals.

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<sup>1</sup> [http://ec.europa.eu/home-affairs/doc\\_centre/crime/docs/trafficking\\_in\\_human\\_beings\\_eradication-2012\\_2016\\_en.pdf](http://ec.europa.eu/home-affairs/doc_centre/crime/docs/trafficking_in_human_beings_eradication-2012_2016_en.pdf)  
<sup>2</sup> [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/jha/133202.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/133202.pdf)

## **15 Ensure promotion of human rights in the external dimension of employment and social policy**

The International Labour Organisation (ILO) core labour standards are embodied in its eight fundamental conventions. The EU promotes the **ratification and effective implementation** of these conventions through cooperation with the ILO, including participation in an ongoing discussion on labour standards and to the work of the ILO supervisory bodies. At the same time, within the external dimension framework of its employment and social policy, the EU promotes the principles of decent work, including respect for the ILO fundamental conventions, in relations with partner countries, by means of bilateral and regional policy dialogues and implementation of development assistance projects.

Concerted efforts over the last years by the ILO and international community, including the EU, have helped bring about changes in Myanmar/Burma with regard to the implementation of the ILO Forced Labour Convention (No 29). The progress made by the country was acknowledged by the International Labour Conference in June 2012.

At global level, the **G20 Leaders** who met in Los Cabos, Mexico, in June 2012 stressed that structural reforms which fully respect fundamental principles and rights at work can play an important role in boosting economic growth, employment opportunities and mobility.

At regional level, ILO core labour standards were discussed at the EU-CELAC (Latin America and Caribbean) Social Cohesion Forum in Argentina on 15-16 October 2012, and at the 4<sup>th</sup> ASEM Labour and Employment Ministers Meeting in Hanoi, Vietnam, on 25-26 October 2012.

In 2012, the EU discussed labour rights and effective implementation of the already ratified ILO fundamental conventions with countries such as Colombia, Georgia (in both cases with regard to conventions No 87 on freedom of association and No 98 on the right to collective bargaining), and Uzbekistan (convention No 182 on the worst forms of child labour).

The European Neighbourhood Policy (ENP) underlined the need for further efforts to ratify and/or effectively implement the ILO fundamental conventions. This was reflected in the new generation of ENP Action Plans agreed upon in 2012, e.g. in relations with Morocco, Tunisia and Jordan (the latter entering into force in October 2012).

The EU also actively participates in the **Rio+20 process** and its follow-up, supporting decent work for all, including job creation, guarantees of rights at work, social protection and social dialogue. It has also been examining how best to integrate social protection, an important element of EU development policy, in the post-2015 development agenda.

In addition, there was support for policy dialogue in developing countries in the fields of decent work indicators, social protection, occupational health and safety and the effects of trade on employment, through four joint management projects concluded in late 2012 / early 2013. These included support for policy dialogue platforms, as well as improving the capacities of governmental stakeholders and social partners.

Effective implementation of the ILO fundamental conventions has also been promoted through development assistance. In this framework, a "Fighting Child Labour" call for proposals was launched in 2010 under the "Investing in People" thematic programme of the Development Cooperation Instrument (DCI), providing funds for activities such as:

- promoting effective policy dialogue aimed at eradicating child labour, bringing victims back into full-time education and re-integrating them into society;
- supporting partnership and networking between key stakeholders, in particular non-state actors and the private sector; 15 projects in 12 different partner countries have been selected to receive funding worth a total of EUR 11 million. Furthermore, in the context of supporting education and eradicating child labour, two bilateral country programmes in Bangladesh have received a total of EUR 20 million.

Other bilateral assistance projects launched in the framework of different financial instruments also aim to promote the ILO core labour standards:

- a project with a EUR 10 million budget from the Development Cooperation Instrument (DCI) to fund social initiatives in the mining sector in Bolivia. Relevant activities include: improvement of labour conditions for women, helping them find opportunities to support their families, and the prevention of child labour in the mining sector. Capacity development and training on the legal framework and labour standards are also included.
- a project funded through budget support of EUR 35 million from the ENPI (the European Neighbourhood and Partnership Instrument) to promote gender equality in Morocco. A specific component is devoted to fair recruitment and integration of women in employment by public institutions.

## V IMPLEMENTING EU PRIORITIES ON HUMAN RIGHTS

### 16 Abolition of the death penalty

The EU holds a strong and principled position against the death penalty and is a key actor in the campaign for its abolition worldwide. The EU believes that the abolition of capital punishment would enhance human dignity and the progressive development of human rights. The **EU guidelines on the death penalty**, which were revised in 2008, remain the essential instrument for systematic action in non-EU countries and will be updated in 2013.

Throughout 2012, the EU continued to assert its opposition to the death penalty and used all available diplomatic tools to promote its abolition. The move towards worldwide abolition is one of the top priorities of the Strategic Framework and Action Plan on Human Rights and Democracy.

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 "The death penalty can neither reverse the crime it seeks to punish nor mitigate a victim's loss. It should be a relic of the past". EU Delegations around the world commemorated the occasion by organising numerous seminars, press conferences, exhibitions and events (in Geneva, India, Japan, Taiwan, Guatemala, Kenya, Jordan, Gambia, Hong Kong, Kazakhstan, Republic of the Congo, Belarus, Ethiopia etc).

The EU welcomed the announcement of the abolition of the death penalty in Connecticut on 25 April 2012. Seventeen US states have now abolished capital punishment. The EU also welcomed the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) by the Mongolian Parliament (13 January 2012) as well as the accession to the same instrument by the government of Benin (12 July 2012). On the other hand, the EU deplored the continuing use of the death penalty in other parts of the USA and the world. Iran, Iraq, China and the USA were a particular focus of attention, but statements and demarches also applied to many other countries, based on the minimum standards defined by international law and the EU Guidelines on the Death Penalty. The EU also deplored the resumption of executions in Japan, India and Taiwan.

The EU continued to raise its opposition to the death penalty in all **relevant forums**, in particular at the UN, the OSCE and the Council of Europe. Through extensive lobbying and outreach, the EU together with its Member States and like-minded countries actively participated in the cross-regional alliance promoting UN General Assembly Resolution No 67/176 (20 December 2012) calling for a moratorium on the use of the death penalty. The resolution was adopted with an unprecedented number of 111 votes in favour - an increase compared to similar resolutions in 2007, 2008 and 2010 - 41 against and 34 abstentions. **Action 16(a) of the Action Plan on Human Rights and Democracy has therefore been accomplished.**

The EU issued a total of eight statements at the Permanent Council of the **OSCE** during 2012. Five of these concerned individual death penalty cases in the USA, in which the EU expressed deep regret that the executions were planned or had been carried out. The EU also called on all OSCE participating states to support the UNGA Resolution calling for a global moratorium on the use of the death penalty. Finally, the EU issued a statement on the occasion of the European and World Day against the Death Penalty on 10 October 2012, in which it also raised two cases of planned executions in the US.

Through the European Instrument for Democracy and Human Rights (**EIDHR**), the EU is the main contributor to the work of civil society organisations around the world to get the death penalty abolished. The abolition of the death penalty is a thematic priorities falling under Objective 3 of the Instrument. Since 2007 the EIDHR has allocated nearly EUR 20 million to 35 projects aimed at restricting the use of, establishing of a moratorium on, and abolishing the death penalty. The EIDHR is currently supporting 16 abolition projects worldwide. These projects have been selected in order to achieve a balance of activities across regions where the death penalty is still used, such as the USA, some African countries, China, India and Taiwan. The report "Delivering on Death Penalty" available at [www.eidhr.eu/library](http://www.eidhr.eu/library) offers a comprehensive picture of EIDHR-funded actions in support of the fight against death penalty worldwide.

The list of goods subject to the export controls established by **Regulation (EC) No 1236/2005** on trade in goods which could be used for capital punishment or torture was amended by the European Commission in December 2011 to cover sodium thiopental and similar substances used in lethal injections. Furthermore, Regulation (EC) No 1236/2005 is currently being reviewed to assess whether additional measures might be necessary to ensure that EU economic operators refrain from trade which either promotes or otherwise facilitates capital punishment in foreign countries.

The EU has closely monitored the case of Daniel Cook, a US citizen sentenced to death in Arizona in 1988. Daniel Cook was convicted of the murder of his colleagues Kevin Swaney and Carlos Cruz-Ramos. The EU intervened on 6 July 2012 and asked the Arizonan authorities to commute Cook's sentence, on the grounds of a diagnosed mental illness. Cook was executed on 8 August 2012. High Representative/Vice President Ashton issued a statement voicing her "deep regret" over the execution and recalling that the EU had called for the sentence to be commuted "based on evidence that Mr Cook was suffering from a severe mental illness".

## **17 Eradication of torture and other cruel, inhuman or degrading treatment or punishment**

In accordance with the **EU guidelines on torture**, the European Union is firmly committed to upholding the absolute prohibition of torture and cruel, inhuman and degrading treatment. The EU uses all possible forms of diplomacy and cooperation assistance to eradicate torture, and provides financial support to civil society organisations around the world which are working to prevent torture and provide assistance to victims of torture. During 2012 the EU continued to intervene in individual cases – openly or confidentially – in a number of countries. The EU consistently raised the issue of torture and ill-treatment in its regular human rights dialogues with 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 the UN Committee against torture (UN CAT) and the UN Subcommittee on Prevention of Torture (SPT).

In its statement on the occasion of the **International Day in Support of Victims of Torture** on 26 June 2012, the EU called upon all states to introduce an absolute and unconditional ban on torture, stressed the need to adopt a gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to gender-based violence. The EU urged all states to become party to the UN Convention Against Torture (CAT) and its Optional Protocol (OPCAT). In 2012, Laos, Nauru and United Arab Emirates signed the OPCAT. The EU statement also stressed the importance it attaches to the role of the UN, Council of Europe and OSCE in fighting torture and supporting victims, and paid tribute to the tireless efforts of the many NGOs and individuals working to prevent torture and alleviate victims' suffering.

During the 67th session of the UN General Assembly (UNGA), EU Member States co-sponsored a **resolution condemning all forms of torture and other cruel, inhuman or degrading treatment or punishment**, including intimidation. The resolution, presented by Denmark, was approved by consensus. The UN General Assembly thus condemned any attempt to legalise, authorise or acquiesce in torture under any circumstances, including on grounds of national security or through judicial decisions, and urged states to ensure accountability for any such act.

**In March 2012, the Council updated the EU guidelines on torture and other cruel, inhuman or degrading treatment or punishment.** The amended text emphasises the link between these guidelines and the EU's other human rights guidelines. Support for relevant international and regional mechanisms is repeatedly stressed, including "proper" follow-up of their recommendations, encompassing all essential elements: prevention, rehabilitation and combating impunity. Other important additions are the emphasis on the prohibition of torture and ill-treatment in counter-terrorism, as well as increased efforts to address discrimination in the fight against torture and ill-treatment.

The EU's commitment to fighting torture also involves funding anti-torture projects run by civil society groups worldwide. In June 2012 a global call for proposals called **"Fighting Impunity"** was launched under the **EIDHR**. With a budget of EUR 16.2 million, this scheme aims to support civil society action against torture and other cruel, inhuman or degrading treatment or punishment, focusing on an approach integrating prevention, rehabilitation and accountability. The themes selected for global calls for proposals are intended to reinforce EU policy, particularly the implementation of the EU guidelines on torture adopted by the Council of the European Union in 2001 and revised in 2008 and 2012. The substantial funding granted to projects in 2012 helped to increase global awareness of the root causes of torture, and improve state officials' capacity to prevent and address torture and ill-treatment and support the rehabilitation of torture victims.

## 18 Effective support for Human Rights Defenders

Human rights defenders (HRDs) are key partners in the EU's work to protect and promote human rights worldwide. As shown by the 2004 **EU guidelines on human rights defenders**, the EU is a staunch supporter of all those who courageously monitor human rights and endeavour to address their violations.

These activists' work is all the more important in a context which, in many places, is becoming increasingly hostile to the promotion of human rights. Slander campaigns against NGOs, restrictions on access to foreign funding, and threats and violence against civil society by non-state actors or government surveillance are just few examples of challenges faced by human rights defenders in their daily work. Attacks against, and harassment of, defenders of land rights and human rights activists working on environmental issues is a very worrying trend.

In 2012, the HRD guidelines have continued to be a central reference for relations with partner countries at all levels, as well as for EU action in multilateral human rights forums. In particular, cases involving individual human rights defenders were raised during 25 human rights dialogues held in 2012. The EU also issued 19 local statements, 17 HR/VP statements and 11 demarches specifically dedicated to the situation of human rights defenders, addressing amongst others the high-profile cases of Malala Yousafzai in Pakistan, Nabeel Rajab and Abdulhadi al-Khawaja in Bahrain and Ales Bialatski in Belarus.

EU missions in third countries continued to play a pivotal role in translating the HRD guidelines into concrete actions. EU diplomats have taken various actions to support HRDs, including trial monitoring (Hilal Mammadov case in Azerbaijan) and field visits (EU ambassadors' visit to San Luis Potosí in Mexico, and EU political counsellors' visit to Baja California and Michoacán). Annual meetings between human rights defenders and EU diplomats have become an established practice. Ninety-seven EU Liaison Officers on Human Rights Defenders have been appointed, 92 of which are based in EU Delegations.

Regarding the **multilateral dimension**, the EU was involved in coordination meetings with other international organisations and mandate holders (including the Council of Europe, UN and OSCE) working on the issue of human rights defenders.

In 2012, efforts to create an **EU initiative to provide temporary relocation of human rights defenders** in urgent **protection needs** gained momentum. In February 2012, the Commission published a study mapping existing initiatives in and outside Europe and providing recommendations on the potential added value of an EU temporary relocation system for human rights defenders at risk. The main objective would be to create a flexible but stable interface between existing initiatives, human rights defenders, Member States, the Commission and the EEAS in order to coordinate support, map resources, provide legal advice, facilitate exchange of best practices and cover any gaps in protection. EUR 1 million has been earmarked in the EIDHR Annual Action Programme for the pilot phase in 2012-2013. The system is expected to become operational in 2013.

**Substantial EIDHR funds** are being allocated to support human rights defenders. Most of this support is channelled to HRDs through specialised NGOs, including in emergency situations. The "Delivering on Human Rights Defenders" report, available at [www.eidhr.eu/library](http://www.eidhr.eu/library), offers a comprehensive picture of EIDHR-funded actions worldwide. EIDHR projects support a wide range of projects that ensure a comprehensive coverage of HRDs at risk, either through project targeting specific regions, or through projects targeting endangered targeted groups of defenders such as journalist, lawyers, women, environmentalist, indigenous Peoples, LGBTI, or human rights defenders in the economic and social fields). Furthermore, the European Commission keeps a financial envelope that enables it to directly provide urgent ad-hoc grants of up to EUR 10 000 to human rights defenders. By the end of 2012, over 80 grants worth a total of EUR 655 500 had been disbursed. They allowed providing direct support to more than 300 Human Rights Defenders at risk in over 20 countries. This funding can support defenders (individuals and/or organisations) in various ways, by providing medical aid, covering legal expenses, purchasing security material for offices or homes, allowing urgent relocation of activists at risk, and supporting the families of imprisoned or deceased defenders.

The **European Parliament** is also an outspoken supporter of human rights defenders. In particular, the Subcommittee for Human Rights (DROI) often invites human rights defenders to speak. Since 1988, the European Parliament's Sakharov Prize for Freedom of Thought has honoured exceptional individuals who combat intolerance, fanaticism and oppression in particularly difficult circumstances. In December 2012 the prize was awarded to the Iranians Nasrin Sotoudeh, an imprisoned human rights defender and lawyer, and Jafar Panahi, a film director whose work draws attention to the hardships suffered by Iran's poor.

### **A small grant for human rights defenders:**

The Democratic Voice of Burma (DVB) is one of the few independent media networks active in Myanmar/Burma, and has been circulating free news in the country for more than 10 years. Its journalists played a crucial role in exposing the violations and repression that marred the country. Many journalists from Myanmar/Burma paid a dear price for their commitment and spent many years behind bars. In March 2012, the EIDHR provided an urgent grant of EUR 10 000 to nine DVB journalists, who were released following January's amnesty. These funds provided urgent medical care to help them recover from the harsh conditions of detention. The funds also allowed them to resume their work at this crucial moment in Myanmar/Burma's transition.

### **Case study: The Philippines: monitoring the trial of a human rights defender**

Mr Temogen Tulawie is the former Provincial Chairperson of the Consortium of Bangsamoro Civil Society (CBCS), a coalition of civil society organisations in the Sulu province, and helped set up a local organisation to defend the rights of Muslim communities affected by military operations.

On 22 July 2009, Tulawie was facing charges of "multiple frustrated murder" and "attempted murder" at the Regional Court of Jolo. The charges against him relate to a bombing incident in Patikul, Sulu, on 13 May 2009, in which twelve people were injured, including Sulu Governor Abdusakur Tan. According to information from NGOs the evidence against Tulawie is based on forced confessions by two of his alleged co-conspirators. On 13 January 2012 Tulawie, who had been in hiding, was arrested in Davao City. On 23 August 2012 the Supreme Court ruled that the trial should be moved to the Regional Trial Court in Manila.

The EU Liaison Officer from the Delegation to the Philippines visited Mr Tulawie in Davao City Jail, participated in a case conference with the defence counsels, human rights NGOs and family members, and visited to the judge at Davao Regional Trial Court to inquire about the next steps and to show the EU's support for a human rights defender in full respect of the justice system of the country.

## 19 Promotion and protection of children's rights

### *Children*

The promotion and protection of children's rights remains a priority for the EU. In 2012, the EU conducted a **global lobbying campaign to promote the ratification of two Optional Protocols to the UN Convention on the Rights of the Child** and ILO Convention 182 on the worst forms of child labour.

In February 2012, the EU launched a review of the **EU Guidelines on the Promotion and the Protection of the Rights of the Child**. Member States, EU institutions, international and regional organisations and NGOs attended a conference on this subject. The review process is set to be completed in 2013.

In addition, in October 2012, the EU together with UNICEF and Save the Children organised a two-day training course on children's rights for approximately 30 people from EU institutions and Member States.

Through the **EIDHR**, the European Commission earmarked for 2007-2013 an indicative amount of EUR 11 million to support civil society projects on children's rights. Projects are being implemented all over the world to protect and promote children's rights.

The European Commission provided further support to civil society programmes around the world under the "[Investing in People](#)" thematic programme. Through this instrument, the EU and UNICEF also financed a project to improve birth registration rates in Nigeria, Burkina Faso, Myanmar, Mozambique, Uganda, Kiribati, Vanuatu and the Solomon Islands. Ensuring that births are registered will allow many more children to access healthcare, attend school and vote in elections when they reach the right age.

In 2012 the **EU and UNICEF** also joined forces to tackle undernutrition in five Asian and four African countries, and to provide emergency education programmes in Jordan, benefitting Syrian refugees as well as children in host communities.

The **Investing in People** programme also provided EUR 41 million of funding for funded a global call for proposals launched in late 2012, with the objective of eradicating violence against children. Furthermore, in accordance with the EU Strategic Framework and Action Plan on Human Rights and Democracy, the EU has started preparing a targeted campaign on the issue of violence against children.

The EU also discussed children's rights, notably juvenile justice, in the **political dialogues with third countries** (e.g. Russia, Israel/Palestine, the Republic of Moldova, Brazil). Together with the Group of Latin American countries, the EU negotiated the annual Resolution on the Rights of the Child at the UNHRC and UNGA 67, which focused specifically on indigenous children.

The EU has prioritised children's rights in over 60 human rights country strategies around the world.

### *Children in Armed Conflict (CAAC)*

A 2012 survey of assistance for children affected by armed conflict showed that combined contributions from the EU and Member States totalled almost EUR 300 million in 2008-2012. This included support for the rehabilitation and reintegration of children in the countries of concern listed by the UN Secretary General. For example, the EU has been working with UNICEF and the ILO to reintegrate former child soldiers in Myanmar/Burma.

A new **multiannual EU funding line specifically dedicated to children affected by conflict** was launched in 2012. Since the Nobel Peace Prize was awarded to the EU for its contribution over six decades to the advancement of peace and reconciliation, democracy and human rights in Europe, the EU decided to devote the money received to help children affected by conflict. The European Commission matched the prize money, giving a total of EUR 2 million to support humanitarian projects in the field of education in emergency situations. Two additional calls for project proposals were launched in 2012 under the Instrument for Stability and Investing in People programme.

In July 2012, the Political and Security Committee discussed how to deal with those who persistently violate children's rights, as well as child protection issues in Syria, in the presence of the UN Secretary general's then Special Representative Coomaraswamy.

The EU took further steps to **mainstream child protection in its crisis management operations**. For example, the EU paid due attention to child protection issues in ongoing armed conflicts, including those in Syria and Mali. Regarding Syria, the EU called for the protection of vulnerable groups, including children, in Council conclusions in October and December 2012.

In December 2012, the EU held expert discussions with UNICEF, the DPKO, the office of the UN Special Representative for CAAC and NATO on the proposed pre-deployment child protection training module, which was prepared in cooperation with Save the Children. The module should be finalised in 2013.

Two events were held in the European Parliament in November 2012: a **DROI seminar** on children's rights on the occasion of the Year of Dr Korczak, celebrated in Poland in 2012, and a **workshop on children and armed conflict** organised by MEP Cashman.

### *Child labour*

In 2012, the EU **implemented 15 projects** to prevent child labour, with € 11.1 million of funding from the Investing in People programme.

In line with the Action Plan (Action 19(c)), the EU started work with the ILO and Brazil ahead of the October 2013 **Global Conference against child labour**, in particular to determine what additional efforts are needed to implement the Hague Roadmap for the elimination of the worst forms of child labour by 2016.

The EU started a survey of the use of "Article 8" dialogues under **the Cotonou Agreement** with ACP countries to advance **efforts for a worldwide ban on child labour**. The Commission (DG TRADE) has also been compiling a study of trade and the worst forms of child labour, based on the experience of the competent international organisations. The study will be published in 2013. The EU continued to discuss how to eradicate child labour with various countries, including Uzbekistan, notably through its human rights strategy.

## **20 Protection of the rights of women, and protection against gender-based violence**

The 56<sup>th</sup> session of the **Commission on the Status of Women (CSW)** took place in February 2012. The CSW is the UN's main policy-making body on gender equality and advancement of women. Its priority theme in 2012 was the empowerment of rural women and their role in poverty and hunger eradication, sustainable development and current challenges. The February meeting was characterised by difficult discussions and did not reach agreement on the CSW conclusions. The EU has started preparations for the 57th session of the CSW where the priority theme is "Elimination and prevention of all forms of violence against women and girls". These involve early outreach activities geared towards like-minded and potentially like-minded countries and civil society groups.

The EU (EEAS and European Commission) and the **United Nations Entity for Gender Equality and the Empowerment of Women (UN Women)** signed a new Memorandum of Understanding (MoU) in April 2012. The MoU forms the basis of a partnership aiming to achieve key international commitments in the area of gender equality and women's empowerment. The partnership also aims to contribute to progress towards a world in which societies are free of gender-based discrimination, where women and men have equal opportunities, where the comprehensive economic and social development of women and girls is ensured, where gender equality and women's empowerment are achieved, and where women's rights are upheld in all efforts to further development, human rights, peace and security.

The EU is active on the issue of **women, peace and security** in more than 70 countries. Its support amounts to about EUR 200 million a year for the development and implementation of national action plans, funding for non-governmental organisations, and training for governmental agencies. The EEAS held two meetings of the Informal Task Force on UN Security Council Resolution 1325 on Women, Peace and Security. Cooperation with international and regional organisations (particularly the UN, NATO, OSCE, LAS and AU) was enhanced in order to achieve tangible results. Close work continued in the framework of the G8 Partnership. The EU pledged to promote women's equal and full participation in peace negotiations and peacebuilding.

In May 2012, the Commission and High Representative adopted the **European Neighbourhood Policy Package**. This takes stock of policy achievements in both Eastern and Southern partner countries. Its Strategy Paper highlights that building sustainable democracy also means ensuring gender equality and increasing women's participation in political and economic life. In some countries, the new laws intended to ensure a better gender balance in parliament have encountered resistance and therefore failed to achieve the desired effect. The Strategy Paper also underlines that women have been key players in the Arab Spring, and that they should not lose out in the subsequent transformations. Across this region, the EU will continue to enhance its efforts to support women's rights, ensure that gender equality is mainstreamed into all relevant cooperation activities and promote effective action against trafficking.

The **Equal Futures Partnership** was launched on the side lines of the September 2012 UN General Assembly. As a founding member, the EU committed to practical initiatives for women's political participation and economic empowerment.

The Commission adopted its annual **Enlargement package** in October 2012. The related Strategy Paper highlights the improvement of law enforcement bodies' handling of issues such as gender-based violence as a key challenge facing most enlargement countries. The country-specific progress reports contain an assessment of the countries' alignment with and implementation of the legal acquis in the field of gender equality. These reports cover in particular issues related to female labour market participation, gender balance in economic and political decision-making, gender-based violence and administrative capacity.

In October 2012, the Kvinna till Kvinna Foundation launched the report ***Equal Power – Lasting Peace*** at the European Parliament during the closing event of a project on Women and Conflict Resolution supported by the EU Instrument for Stability. The report identifies the key obstacles to women's participation in peace processes.

In November 2012, human rights and gender issues were included on the agenda and the Joint Conclusions of the EU-UN Steering Committee on Crisis Management (for the first time since 2009).

EU development policy continued to work for progress in gender equality and the empowerment of women. The **EU Plan of Action on Gender Equality and Women's Empowerment in Development 2010-2015** contains commitments for the Commission, EEAS and Member States in terms of supporting developing countries' efforts to improve equal rights and women's empowerment. In November 2012, the second report on the implementation of the EU Plan of Action was published. It concludes that further progress has been realised, for example in the availability of sex-disaggregated indicators and the expansion of political and policy dialogue on gender equality with partner countries but that some challenges such as the availability of technical capacities and knowledge at country level remain. Also, further progress is required to achieve the ambitious goal to ensure that 75% of aid contributes principally or significantly to gender equality and women's empowerment.

The next implementation report is due in 2013 when a mid-term evaluation of EU gender mainstreaming will also be carried out.

The European Commission continued to provide support to survivors of gender-based violence through its humanitarian operations.

In 2012 additional efforts were made to increase the **representation of women within the EEAS**. Overall, 29.0 % of HQ staff and 19.2 % of EU Heads of Delegation (including in Yemen, Jordan and Senegal) are women. Two out of eleven EU Special Representatives are women. An EEAS Gender Adviser was appointed in April 2012.

## **21 Compliance with international humanitarian law (IHL)**

See page 122.

## **22 Enjoyment of human rights by LGBTI persons**

Around the world, people experience discrimination and violence because of their sexual orientation or gender identity. Consensual same-sex relations between adults are still criminalised in 76 countries, and punishable by the death penalty in at least five.

The EU is strongly committed to the entitlement of all people to enjoy the full range of human rights without discrimination. As a mark of this commitment, and to allow EU staff to promote and protect human rights for everyone, irrespective of sexual orientation or gender identity, in June 2010 the EU adopted a "Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People". Under the new EU Human Rights Action Plan, adopted by the Council on 25 June 2012, **the EU LGBT toolkit will be developed into to public EU guidelines by mid-2013.**

On 17 May 2012, the **International Day against Homophobia**, High Representative Catherine Ashton issued a declaration on behalf of the EU underlining that "when we speak about the rights of lesbian, gay, bisexual, transgender and intersex persons, it is not about introducing new rights for one group of people. It is about the same human rights being applied to every person everywhere without discrimination".

In 2012, the EU continued to be actively engaged in **multilateral efforts**, notably within the UN, to tackle discrimination, including on the basis of sexual orientation or gender identity. The EU actively participated in the HRC panel on "Ending Violence and Discrimination Based on Sexual Orientation and Gender Identity" on 7 March 2012. The panel discussed a report commissioned by the UN High Commissioner for Human Rights on the subject, as requested in the landmark HRC resolution in 2011. The EU has also supported the granting of a UN consultative status for lesbian, gay, bisexual and transgender rights' groups in the Non-Governmental Organisation (NGO) Committee of the UN Economic and Social Council. On 11 December, the cross-regional LGBTI core group, which includes the EU and some of its Member States, organised an event at the UN entitled "**Leadership in the Fight against Homophobia**" featuring the UNSG, Desmond Tutu, and two celebrities, Yvonne Chaka Chaka and Ricky Martin, along with three human rights defenders. This was the fourth and most successful edition of this event. The clear message was that LGBTI people are entitled to enjoy the same rights as everyone else. The previous day, the EU Delegation hosted an event with African LGBTI human rights defenders that showed appreciation for the EU's work in Africa and also praised the value of quiet diplomacy on LGBTI matters.

At **regional level**, the EU continued to support the work of the Council of Europe on the human rights of LGBTI people, in particular through the Council of Europe Recommendation on Measures to Combat Discrimination on Grounds of Sexual Orientation and Gender Identity, adopted 31 March 2010. The EU actively participated in organising a side event entitled "Monitoring of manifestations of intolerance and discrimination against LGBT persons" at the OSCE annual Human Dimension Implementation Meeting (HDIM) in September 2012.

At **bilateral level**, the EU continued to use its **human rights dialogues** with third countries to promote non-discrimination of LGBTI people, and several public statements/demarches have been used to demonstrate the EU's position on LGBTI issues, including its stance against homophobia and in favour of decriminalisation of homosexual relations. In this context, the EU has been monitoring and addressing worrying homophobic trends, e.g. in some African countries and in Russia.

Through the **EIDHR**, the EU continued to support several organisations defending LGBTI rights by empowering them to challenge homophobic laws and discrimination against LGBTI people, raising awareness among the general public of the discrimination and violence experienced by persons having different sexual orientations, combating it and providing emergency assistance (from psychosocial and medical, to mediation and reintegration assistance) to those in need of such support. The EIDHR emergency funds that protect human right defenders at risk were also mobilised in 2012, for example to protect lawyers defending LGBTI people in Cameroon. Since September 2012 a regional EIDHR project has been supporting LGBTI rights defenders in French-speaking Africa and a new pan-African project on human rights defenders is specifically targeting LGBTI people as a vulnerable group.

## 23 Freedom of Religion or Belief

In line with previous years' commitments, and with the specific Council conclusions on the issue adopted in 2009 and 2011, the EU remained committed to the promotion and defence of Freedom of Religion or Belief (FoRB) worldwide.

**Intolerance and discrimination on religious grounds**, as well as religiously motivated violence, have been under close scrutiny by EU delegations and at headquarters. Violent attacks against a number of religious communities in Europe and outside Europe were condemned at the highest levels. In a joint statement on 20 March 2012, coinciding with the Toulouse killings and terror attacks in Iraq, the President of the European Council and the President of the European Commission stressed that any form of persecution and violent acts against religious communities had "no place in Europe and, indeed, in the world". They pointed out that Europe had fought a "long and painful battle to achieve freedom of thought, freedom of religion and belief and the respect for the individual. These human and fundamental rights form part of the Charter on fundamental rights which is at the heart of our European values". They also expressed the EU's willingness to continue to foster these rights.

**Discrimination based on religion or belief** is a persistent concern in all regions of the world, and persons belonging to particular religious communities or non-confessional groups continue to be targeted in many countries. Moreover, legislation on defamation of religions is often used to mistreat persons belonging to religious minorities and to limit freedom of opinion and expression as well as freedom of religion or belief for society as a whole. The EU points out that freedom of expression also plays an important role in the fight against intolerance and that freedom of religion or belief and freedom of expression are mutually reinforcing rights.

With the Foreign Affairs Council's adoption on 25 June 2012 of the EU Strategic Framework on Human Rights, along with its Action Plan, which encompasses the adoption of **new EU guidelines on FoRB**<sup>1</sup>, the EU stepped up its commitment to address this issue. Such guidelines will not be legally binding, but politically underline that FoRB is a high priority for the EU. They will consist in messages, practical instructions and guidance to EU and Member States' staff in diplomatic postings and at headquarters on how to assess situations and to engage in the most pragmatic way. Preparations have been ongoing since mid-2012, with a first round of consultations with civil society (including religious, non-religious and philosophical groups) held in Brussels on 19 October 2012. The EU expects to adopt these guidelines in 2013.

The EU engaged **bilaterally** with various countries on the crucial importance of FoRB. As regards non-EU countries, freedom of thought, conscience and religion was systematically raised with many partners at different levels of political dialogue, including in human rights dialogues and consultations during which implementation of FoRB and the situation of persons belonging to specific religious minorities or groups were addressed.

Whenever prompted by serious violations and concerns regarding religious freedom and related intolerance and discrimination, the EU expressed its views via diplomatic channels, **public statements and Council conclusions**, as for instance in the cases of Egypt, Nigeria, Iran, Iraq, Libya, Mali, Pakistan or Tunisia. It systematically advocated full respect for freedom of thought and conscience, as well as the prohibition of incitement to religious hatred and violence through the action of an independent judiciary in line with international standards, and called for dialogue and the use of freedom of expression to react to speeches or content perceived as offensive.

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<sup>1</sup> Point 23.a) of the action plan on human rights and democracy

Given the worsening situation in **Syria**, the EU reiterated its call to uphold the principles of freedom of religion and belief and to refrain from sectarian and ethnic division. It repeatedly urged the Syrian opposition to agree on a set of principles for working towards a Syria where all citizens enjoy equal rights regardless of their affiliations, ethnicities or religion or beliefs and reaffirmed its support to the Syrian people and their aspirations for a democratic Syria respectful of the rights of all its communities. The EU High Representative issued statements condemning all acts aimed at inciting inter-ethnic and inter-confessional conflict.

The EU also explored possibilities for further cooperation with organisations, such as the Organisation of Islamic Cooperation (OIC) or the League of Arab States (LAS), notably in the wake of violent events linked to the publication on the Internet of a controversial film which was viewed as offensive by many Muslims. On 20 September 2012, a joint statement was made by the European Union High Representative, the OIC Secretary General, the Arab League Secretary General and the Chair of the Commission of the African Union, calling for peace and tolerance, condemning any advocacy of religious hatred that constitutes incitement to hostility and violence, and calling on all leaders, whether they be political, secular or religious, to promote dialogue and mutual understanding. On 13 November 2012, the EU and LAS foreign affairs ministers adopted a joint declaration in Cairo, emphasising, amongst other things, their commitment to "the promotion of freedom of expression and freedom of religion or belief" and condemning "all forms of incitement to hatred and intolerance, in accordance with international legislation on human rights". They also emphasized the need to ensure gender equality and full respect of human rights for all people, and "condemned any advocacy of religious hatred in accordance with the Human rights council resolution 16/18."

The HRVP attended an **OIC ministerial meeting** for the first time in Djibouti on 16 November 2012. In her speech, the EU High Representative depicted freedom of religion or belief as an "essential pillar of safe and prosperous societies", the freedom to exercise one's faith playing "a key part in reinforcing development and democratic stability". She also pointed to the challenge of "how to protect and guarantee religious freedom" that countries transitioning towards democracy had to face, whilst shaping their new societies. She also expressed her view that it was political leaders' responsibility "to ensure that everyone can practice their faith freely and equally", and that, in doing so "we honour our shared humanity".

This issue was also promoted at a multilateral level. In the Human Rights Council (HRC) as well as in the United Nations General Assembly (UNGA), the consensus reached in 2011 with **HRC resolution 16/18**, on the need to fight religious intolerance, whilst not claiming the concept of defamation of religion as a human rights standard, was upheld (cf. 2011 report). At the 19th session of the HRC, in March 2012, the traditional EU resolution on "freedom of religion or belief" was adopted without a vote (resolution 19/8) alongside the OIC resolution on "combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons on religion or belief" (resolution 19/25). At the 67th UNGA session in December 2012, EU-led resolution 67/179<sup>1</sup> and the OIC-led resolution 67/178 on the same subjects were adopted by consensus.

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<sup>1</sup> [http://europa.eu/rapid/press-release\\_IP-11-1525\\_en.htm](http://europa.eu/rapid/press-release_IP-11-1525_en.htm)

As far as the **EU's financial instruments** are concerned, the protection of persons belonging to minorities and the fight against discrimination, including on religious grounds, was adopted as a funding priority under the European Instrument for Democracy and Human Rights (EIDHR). Projects for the protection of persecuted individuals and persons belonging to religious minorities in countries where they are most at risk, are being funded and will continue to be funded in the future under the EIDHR. In particular, the right to freedom of thought, conscience and religion or belief is one of the main priorities of the call for proposals for the "EIDHR Objective 1" strategy that finances actions in "difficult" countries and has a worldwide coverage.

Finally, freedom of religion or belief was one of the three sensitive human rights issues discussed at the annual EU-NGO Forum that took place on 7 and 8 December under the overall theme "promoting the universality of human rights: the role of regional mechanisms and their cooperation with civil society".

## **24 Freedom of expression online and offline**

The EU is committed to promote human rights in all areas of its external action without exception, in particular by using the link between new information and communication technologies and human rights as an important avenue for promoting democracy.

The EU repeatedly condemned restrictions on **freedom of expression and access to the Internet**, as well as the arrest of bloggers, and attacks against journalists and the media, in its bilateral relations with third countries and through several public statements. As an example, in June 2012 the High Representative expressed concern at growing levels of censorship and restrictions on the media and the political opposition in Sudan, and urged the Government of Sudan to respect the rights of its citizens to freedom of expression and freedom of the media. The EU is worried about increasing restrictions on Internet freedom, and it raised its concerns bilaterally during human rights dialogues in countries such as Vietnam or China and publicly through statements.

During 2012, the EU continued to step up its efforts to promote the safety of journalists through **engagement in international forums** such as UNESCO, the Council of Europe and the OSCE. Among EU priorities for the UN HRC the EU underlined the need for the Human Rights Council to maintain its focus on freedom of expression, including on the Internet. As an example, during the UN Third Committee (Human Rights) meeting in New York on 6 December 2012, the EU deplored the trend towards increased censorship and condemned restrictions on the Internet. The EU also welcomed the UN Human Rights Council resolution on Internet freedom adopted by consensus on 5 July. The EU supports the resolution's message that there can be no division or double standard regarding human rights online or offline.

The EU has been vocal in condemning censorship; most recently, the High Representative issued a statement expressing concern about the deliberate Iranian jamming of TV and Radio satellite broadcast which deprives citizens of access to free information.

The Action Plan of the EU Strategic Framework for Human Rights, adopted in June 2012, provides for the EU to develop **guidelines on freedom of expression online and offline**, including the safety of bloggers and journalists. The EU also took a more assertive approach to developing cooperation in the field of promoting freedom of expression and media assistance.

Among the actions planned to promote freedom of expression, the EU committed to the development of measures and tools to address indiscriminate censorship and mass surveillance when using ICTs. These actions build on work already carried out in the framework of the "No Disconnect" Strategy<sup>1</sup> created to uphold the EU's commitment to ensure that the Internet and other information and communication technologies can remain a driver of political freedom, democratic development and economic growth.

The main pillars of the No Disconnect Strategy are: tools to increase the freedom to communicate; education and training on how to use Internet technologies in high-risk environments; better technological capabilities to understand in real-time what is happening "on the ground"; and strengthened cooperation among all stakeholders.

The EU took a number of initiatives in this field during 2012, notably through the provision of financial support to journalists and NGOs working on media independence and freedom of expression under the **European Instrument for Democracy and Human Rights** (EIDHR). One of the best examples is an EIDHR funded project run by Reporters Without Borders aiming to fight cyber censorship and develop the free flow of digital information. One of the main activities of the project is the creation and maintenance of a virtual shelter: a secured space where independent journalists can work and publish news that would otherwise be censored.

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<sup>1</sup> [http://europa.eu/rapid/press-release\\_IP-11-1525\\_en.htm](http://europa.eu/rapid/press-release_IP-11-1525_en.htm)

In addition, the 2012 EIDHR call for proposals, with an overall budget of EUR 20 million, included for the first time a specific lot for actions aiming at fighting cyber censorship and promoting digital freedom and security supporting projects to counter violations of human rights through Information and Communication Technologies and to safeguard privacy and freedom of expression in those regions where activists, journalists and human rights defenders are most at risk.

## **24bis Freedom of association and assembly**

Rights to freedom of assembly and of association are fundamental rights of every human being and an inherent part of human dignity. The EU believes that a vibrant civil society and a functioning democracy depend on the right of citizens to exercise freely their right to peaceful assembly and association.

As they foster open dialogue and debate in society, freedom of peaceful assembly and association are themselves safeguards against conflict and instability. The High Representative expressed concern over the **deterioration of freedom of assembly** in several public statements. Most recently, in June 2012 she expressed concerns about the violent crackdown on demonstrations that had been taking place in Khartoum and other towns and called for the immediate release of those detained for peaceful protest and for the security forces to act with restraint and avoid the use of force in responding to peaceful demonstrations, urging the Government of Sudan to respect the rights of its citizens to freedom of assembly.

The EU raises its concerns over the rights to freedom of association and assembly in the context of **political dialogues** with third countries. For example, during the 9th AU-EU Human Rights Dialogue in Addis Ababa on 22 November 2012, both sides agreed to intensify their dialogue on freedom of association.

One of the EU priorities for the **UN HRC** was the need for the Human Rights Council to maintain its focus on freedom of association, and to provide concrete support to human rights activists and civil society organisations whose role is essential for the strengthening of democracy. The EU welcomed the consensus resolution sponsored by the US at the 21st session of the HRC on the rights to freedom of peaceful assembly and of association.

In the digital age, fundamental freedoms also apply **online**. New technologies also change the way citizens exercise their right of assembly and association. States have a responsibility to ensure the free exercise of the right to assembly, including through the use of online communication. The EU is ready to support human rights on and off line.

The High Representative is highly concerned by recent attempts to restrict the space for civil society. In July 2012 the High Representative expressed deep concern about **Russian amendments to the NGO law**, among several developments that limit the space for a vibrant civil society in Russia, such as the arrests of opposition figures as well as a new law that stipulates excessive fines for administrative violations during authorised demonstrations.

The EU initiated several activities to promote freedom of association during 2012. Among them, a round table (with more than 50 NGOs from key regions) was organised in the framework of the **EU NGO Forum** on 7 December 2012 with the aim of learning from human rights defenders about the restrictions that civil society organisations (CSOs) face in their work, and gathering suggestions as to how the EU can better engage on this issue.

The EU also provides financial support through the **EIDHR** to a number of projects in order to support freedom of association. Projects supported by the EU aimed at developing monitoring systems for freedom of association, promoting legal standards for the right to freedom of assembly, raising public awareness on the right to freedom of association and networking towards more effective promotion and protection of those rights. As an example, the EU is financing an EUR 88 000 project in Algeria to promote the right of association by developing a resource centre dedicated to associations.

## **25 Implementation of the UN Guiding Principles on Business and Human Rights**

2012 was the first full year since adoption of the **UN Guiding Principles on Business and Human Rights**, which were unanimously endorsed by the UN Human Rights Council on 16 June 2011. The guiding principles set out a basis for implementation of the framework outlined by UN Special Representative Prof. John Ruggie, covering the State's duty to protect human rights, the corporate responsibility to respect human rights, and access to remedy.

2012 was also the first full year following the European Commission Communication of 25 October 2011, on 'A renewed EU strategy 2011-14 for Corporate Social Responsibility'<sup>1</sup>.

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<sup>1</sup> COM(2011) 681

One of the highlights of 2012 was without doubt the first ever **UN Forum on Business and Human Rights** in Geneva on 4 and 5 December, under the auspices of a working group established by the UN to spur implementation of the UN Guiding Principles. This was an opportunity to take stock, after one-and-a-half years, of the implementation of the UN Guiding Principles.

The Forum surpassed expectations, attracting 1000 delegates (three times the expected number) from 85 countries around the world, with representatives from NGOs, trades unions and academia, as well as companies and business organisations.

The Forum was the setting for two days of workshops and discussions concerning the challenges involved in implementation of the UN Guiding Principles. In his remarks to the Forum, Prof. John Ruggie, the former Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, noted that good progress had been made in a relatively short time, and underlined that "the social sustainability of globalisation is at stake".

The EU was well represented at the Forum, with the EUSR for Human Rights, Mr Stavros Lambrinidis, delivering the keynote speech at the opening of the high-level session, and the EIB presenting its on-going efforts at mainstreaming human rights across its social due diligence in a session on the role of public finance in advancing implementation of the Guiding Principles. This was confirmed in the closing remarks delivered on behalf of the EU, which undertook to play an active role in the regional forums to be organised under the aegis of the Working Group.

The UN Forum was an opportunity to look ahead to a future announcement by the European Commission on **non-financial reporting by companies**. This was scheduled in the Commission Communication of 3 October 2012, 'Single Market Act II: Together for new growth'; the legislative proposal is now published.

The subject was also touched on in the CSR Communication of 2011. This noted the number of existing initiatives for reporting social and environmental information, including on human rights aspects, and looked towards ensuring a level playing field in this domain. This is part of a general effort to make European companies more competitive, modern, and accountable.

The Commission had a standing commitment within the CSR Communication to publish a report on **EU priorities for effective implementation of the UN Guiding Principles** by the end of 2012. However, the publication of the report has been delayed, in order to better process the outcome of the UN Forum and ensure an in depth elaboration of all aspects.

Much preparatory work on the subject had already been done, not least at a conference organised by the Danish Presidency in Copenhagen in May 2012, entitled '**From principles to practice: the European Union operationalising the United Nations Guiding Principles on Business and Human Rights**'. The Commission contributed an initial discussion paper ahead of this conference, and took an active part in the discussions.

Some of the main themes covered at the conference were policy and legislative coherence within the EU, achieving stronger global capacity, and capacity-building and development priorities. Other items on the agenda were: EU guidance to business, accountability: access to justice and adequate remedies, transparency: non-financial reporting and disclosure, public-private partnerships and multi-stakeholder initiatives.

To coincide with the UN Forum in Geneva, the Commission published '**My business and human rights: a guide to human rights for small and medium-sized enterprises**'. This received a very positive reception from across the range of delegates at the Forum.

Meanwhile, the Commission reached a new stage in its work on sector-specific guidance, in cooperation with its partners, **Shift and the Institute for Human Rights and Business**. In December 2012, draft guidance on the corporate responsibility to respect human rights in three business sectors was released for public consultation. The sectors concerned are the **oil and gas** sector, the **ICT sector**, and **employment and recruitment agencies**.

<http://www.ihrb.org/project/eu-sector-guidance/draft-guidance-consultation.html>

These sectors were chosen according to objective and publicly available criteria, including the severity of their impact on human rights, as well as the existence or otherwise of human rights guidance for the sector that was consistent with the UN Guiding Principles. The guidance aims to be as globally relevant as possible, whilst taking account of the particular circumstances of EU enterprises. All three sets of guidance are due to be finalised by the end of April 2013. The EIB has been closely following development of this work stream, participating in all three roundtables and considering the scope for alignment.

The EU Action Plan on Human Rights and Democracy contains a commitment by EU Member States to **develop national plans on implementation of the UN Guiding Principles**. By the end of 2012, the following Member States confirmed that they were to prepare such a plan: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Finland, France, Greece, Ireland, Italy, Lithuania, Netherlands, Poland, Romania, Slovenia, Sweden and the UK.

The **EIDHR** supports actions led by civil society organisations aimed at promoting respect for human rights by European companies operating outside the EU. In 2012 the EU continued its support for the Clean Clothes Campaign, an alliance of organisations from 15 European countries, implementing projects to increase respect for economic and social rights in the global supply chains of international garment companies in over 30 countries.

Two more projects funded under the EIDHR cover the question of business and human rights. A global project targeting 70 countries aims to reinforce the capacity of local land-rights defenders to defend their rights over natural resources, to counter the lack of transparency regarding contracts between states and private companies, and to engage with governments and extractive industries in countries with conflicts over resource extraction. Similarly, a project on defenders of indigenous rights in South-East Asia provides for a study on corporate social responsibility, human rights and indigenous peoples.

Another EIDHR project that includes the question of business and human rights is the Latin American Mining Monitoring Programme, which supports rural indigenous women in promoting and defending their rights, as affected by the mining industry.

Under the '**Investing in People**' programme, 15 projects were awarded funding in 2011 for 'Fighting Child Labour' (EuropeAid/129339/C/ACT/Multi). These continued in 2012.

Finally, under the crisis preparedness component of the **EU's Instrument for Stability**, the sum of EUR 1 million was earmarked for 'promoting transparency of the minerals supply chains in conflict-affected and high-risk areas' in 2013.

The EU continued to raise business and human rights in its bilateral **dialogues**, for example in the human rights dialogue held with the African Union in Addis Ababa on 22 November. Beyond exchanging views on implementation of the UN Guiding Principles on Business and Human Rights, the EU and AU agreed to look into holding a joint seminar on human rights and business in 2013 with African and European businesses and civil society.

The EU remained an active supporter of the business and human rights agenda at the **UN**, where indeed it continued to receive consensus support. HRC 21 resolution 21/5, on the 'Contribution of the United Nations system as a whole to the advancement of the business and human rights agenda and the dissemination and implementation of the Guiding Principles on Business and Human Rights' was adopted without a vote on 27 September 2012.

Members of the UN Working Group on Business and Human Rights were closely associated with the European Commission's work to develop human rights guidance for three business sectors and for SMEs. The OHCHR contributed to the CSR Annual Review Meeting hosted by the Commission in November 2012, bringing together EU Member States, stakeholders and relevant international organisations. MEP Richard Howitt provided the closing remarks.

In 2012 the **European Parliament** commissioned a study from the University of Exeter on, 'The role of National Human Rights Institutions in implementation of the United Nations Guiding Principles on Business and Human Rights, in particular in Eastern Partnership countries'. The study examines the scope of the national institutions' mandates under the Paris Principles to address human rights and business concerns and provides an overview of best practice from around the world. The analysis focuses on individual NHRIs in Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine, with recommendations as to how the EU could support them.

During 2012, the Parliament considered two draft resolutions on CSR:

- on corporate social responsibility: accountable, transparent and responsible business behaviour and sustainable growth, presented by MEP Baldassarre through JURI;
- on corporate social responsibility: promoting society's interests and a route to sustainable and inclusive recovery, presented by MEP Howitt through EMPL.

Various questions raised by MEPs related to issues such as the concept of human rights due diligence, worker rights in European supply chains, and the export of technology that could be used for surveillance or repression by non-EU companies or governments.

## 26 Administration of justice

The EU participated in the first high-level meeting on the rule of law at national and international levels held at the UN General Assembly on 24 September 2012. The EU actively contributed to the **political declaration (UNGA resolution 67/1) on the rule of law** adopted by the high-level meeting. This declaration adopted a comprehensive vision of the rule of law linked to the three main pillars of the United Nations – peace and security, development and human rights. The declaration also affirmed the importance of equality before the law, the right to access to justice and a full commitment to human rights and fundamental freedoms for all. The UN Secretary-General was tasked to take forward work on this issue, and the EU will fully support the further work of the UNSG in this regard.

The EU jointly with its Member States, as well as twenty-one EU Member States individually, made **pledges** to the meeting on the rule of law at international and national level. The EU Member States pledged to consider acceding to, *inter alia*, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the 1954 UN Convention relating to the Status of Stateless Persons and the 1961 UN Convention on the Reduction of Statelessness, as well as to accept the right of individual complaint under a number of UN human rights conventions. Other EU pledges included a commitment to conduct a worldwide campaign on justice, to support peace and security in conflict and post-conflict situations through a policy on transitional justice and enhanced support for UN peacekeeping, and to develop a framework for raising issues of statelessness with third countries. The full pledges are set out in the Annex to this report.

In its human rights and political dialogues with partners worldwide in 2012, the EU regularly urged all countries to take steps to strengthen the independence of the judiciary and of the legal profession, and condemned any attempt to threaten or attack defence lawyers. Acting either through the local EU delegation or EU MS, the EU also conducted regular monitoring of **sensitive trials** in many countries, including Algeria, Azerbaijan, Kazakhstan, Thailand, and Vietnam, especially in cases where human rights defenders were threatened with conviction after a cursory or biased trial. Regrettably, this proved impossible in some countries, such as China, where EU monitors attempted to observe the sentencing of human rights defender Ms Ni Yulan but were unable to access the court. The EU also strongly supported the work of the **UN Special Rapporteur on the Independence of Judges and Lawyers**, and encouraged all countries which had received a request for a visit from the Special Rapporteur to extend an invitation to her.

## **27 Responding to violations: ensuring accountability**

Preventing the most serious crimes is part of the EU foreign policy. The responsibility to protect populations against genocide, crimes against humanity, ethnic cleansing and war crimes is one of the rationales behind policy priorities such as the protection of persons belonging to minorities and the respect for diversity. However, when serious crimes of international concern do take place, the EU has a strong tradition of promoting the fight against impunity for the most serious crime. It contributed to this fight for the last 10 years under the EIDHR with almost € 30 million providing a flexible complementary tool to other instruments. It reinforces actions in support of fighting impunity through civil society organisations' actions in the field on advocacy, awareness raising and oversight. There should be no safe haven for those who have committed the crime of genocide, crimes against humanity and war crimes. Furthermore, prosecution can, as a deterrent, contribute to prevention of these crimes. EU and its Member States continues to give strong support to the effective functioning of the International Criminal Court (ICC) and other criminal tribunals such as 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 NGO community remains a valuable ally in these efforts by facilitating public outreach, reinforcing victims' participation and building complementarity links to efforts of other donors.

In implementation of Decision 2011/168/CFSP on the ICC and the EU Action Plan to follow-up on the Decision, the EU and its Member States continued efforts to further strengthen the ICC to fulfil its mandate. The European Union and its Member States continued encouraging the widest possible participation in the Rome Statute. Ratification of and accession to the Rome Statute respectively as well as – where relevant - implementation of the Rome Statute continued to be a standing item on the agendas for most human rights dialogues, including the human rights dialogue with the African Union. In addition, the EU maintained its systematic demarche campaigns worldwide, its policy of including ICC clauses in agreements with third countries (such as the EU-Ukraine Association Agreement initialled on 30 March 2012) and financial aid to civil society organisations. The EU reacted to acts of non-co-operation with the Court and recalled the importance of all Member States of the United Nations abiding by and implementing the resolutions adopted by the Security Council under Chapter VII of the UN Charter referring situations to the Court. The EU followed with great concern the arrest and detention of four ICC staff members in Libya in June and July 2012 and contributed significantly to the resolution of the crisis. It continued to pursue its aim of creating a holistic and integrated approach on complementarity through increased capacity development initiatives at national level. In order to make the principle of complementarity operational, the EU and its Member States promoted the fight against impunity in development cooperation and technical assistance programmes. Within a broader framework, justice and the rule of law were at the core of EU objectives and operations that were constantly being reinforced under its geographical instruments, which focussed on strengthening national justice systems, enforcement of sentences, detention conditions and the capacity of national governments to manage witness protection programmes. It also played a central role in post-conflict peace building processes by identifying country-specific needs and providing aid through appropriate modalities. At the high-level meeting on the rule of law at the UN General Assembly on 24 September 2012, the EU pledges included continued support for the work of the ICC. The European External Action Service organised a one-day training course on international criminal justice. Participants included EEAS staff, staff of the European Commission and staff of the foreign ministries of EU Member States.

Committed to preserving the integrity of the Rome Statute and supporting the independence of the Court, EU Member States continued to be among its major donors. The EU provided additional direct and indirect financial support to the Court by fostering legal cooperation and exchange of best practice between state parties and non-state parties, and the legal community.

In 2012, the European Commission organised, through the EIDHR, a call for proposals to combat impunity that will promote the effective functioning of the International Criminal Court and the Rome Statute system through civil society actions. The indicative budget allocation is EUR 6 million, with an 80% limit on the total EC contribution. The minimum grant is EUR 500 000 and the maximum EUR 1 500 000. In addition, an EU funded project on building legal expertise and fostering cooperation brought together more than 200 counsels from state and non-state parties to the Rome Statute in The Hague. Furthermore, under the EIDHR the EC provided EUR 1 000 000 in the 2011 Annual Action Programme (AAP) for 2012 with an additional EUR 1.000.000 earmarked in the 2012 AAP for 2013. In addition, the European Commission worked intensively in collaboration with the respective institutions to develop a report on complementarity which is expected to be finalised in 2013. It aims to help put an end to impunity for the perpetrators of the most serious crimes, such as genocide, crimes against humanity and war crimes, which threaten peace, security and the well-being of the world.

## 28 Promote respect for the 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 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>1</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>2</sup> and the European Charter for Regional or Minority Languages<sup>3</sup>.

Protection of persons belonging to minorities is one of the key issues under the Copenhagen political criteria for EU 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. EU-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>1</sup> <http://www.ohchr.org/Documents/Publications/GuideMinoritiesDeclarationen.pdf>

<sup>2</sup> <http://conventions.coe.int/Treaty/EN/Treaties/Html/157.htm>

<sup>3</sup> <http://conventions.coe.int/Treaty/EN/Treaties/Html/148.htm>

Minority issues also continued to be an important aspect of the EU's relations with other parts of the world, and the EU regularly raised minority issues in its **political dialogues** with non-EU countries. Minority issues were also mainstreamed in cooperation strategies and action plans.

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, and the Council of Europe.

To this end, the EU supported government programmes and policies targeted at persons belonging to minorities or with a potential impact in this area through bilateral cooperation. The EU 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 of helping to combat discrimination and to promote the protection and development of equal participation of men and women from minority communities in social, economic and political life within the broader context of strengthening human rights, political pluralism and democratic political participation. For example, with a contribution of over EUR 90 000 the EIDHR is currently financing a project aimed at improving the political participation and representation of Roma and other national minorities in Bosnia and Herzegovina, thus promoting their inclusion, interests and rights.

## 28bis Racism, xenophobia, non-discrimination and respect for diversity

The EU continued in 2012 to contribute significantly to combating all forms of racism, racial discrimination, xenophobia and similar types of intolerance worldwide.

Within the EU, this commitment continued to be backed up by a **policy of concrete action** including legislation and efficient enforcement<sup>1</sup>, awareness-raising, data collection<sup>2</sup> and the provision of financial support to national authorities and civil society<sup>3</sup>. The most representative example is the specific situation of the Roma: on 5 April 2011 the Commission issued a Communication on an **EU Framework for National Roma Integration Strategies** up to 2020, which encouraged Member States to adopt or develop further a comprehensive approach to Roma integration and endorse goals in education, employment, access to healthcare and housing.

All Member States have submitted a strategy to the European Commission – except for Malta which has no Roma population – although there was no legal obligation to do so, which shows that there is a strong political commitment.

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<sup>1</sup> For the relevant EU legislation, please see [http://ec.europa.eu/justice/fundamental-rights/racism-xenophobia/index\\_en.htm](http://ec.europa.eu/justice/fundamental-rights/racism-xenophobia/index_en.htm) and [http://ec.europa.eu/justice/discrimination/law/index\\_en.htm](http://ec.europa.eu/justice/discrimination/law/index_en.htm).

<sup>2</sup> A **Eurobarometer** on discrimination was published in November 2012. Discrimination on grounds of ethnic origin continues to be regarded as the most widespread form of discrimination in the EU according to 56% of the respondents. For the reports and studies on racism and xenophobia by the EU Agency for Fundamental Rights, please see <http://fra.europa.eu/en/publication/2013/fra-publications-2012>.

<sup>3</sup> EU-level NGO networks active in combating discrimination on the grounds of racial or ethnic origin such as ENAR, ERIO or EQUINET receive an operating grant through the PROGRESS programme. For other relevant financing programmes see [http://ec.europa.eu/justice/fundamental-rights/racism-xenophobia/index\\_en.htm](http://ec.europa.eu/justice/fundamental-rights/racism-xenophobia/index_en.htm).

The European Commission issued its first assessment report "The National Roma Integration Strategies: a first step in the implementation of the EU Framework" in May 2012 **which** highlights that much more needs to be done to **secure sufficient funding for Roma inclusion, put monitoring mechanisms in place, fight discrimination and segregation, and** address the important issues of access to decent housing and healthcare. The European Commission expects the governments to address these priorities pointed out in the report and will review annually the implementation of the National Roma Integration Strategies, reporting to the European Parliament and the Council.

On 21 March 2012, the **International Day for the Elimination of Racial Discrimination**, High Representative Ashton issued a declaration on behalf of the EU, underlining “the European Union's unwavering commitment to fighting all forms of racism and xenophobia. Racial discrimination is contrary to the values on which the EU is based [...]”.

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 African countries. 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 cooperate with regional bodies such as the Council of Europe's European Commission against Racism and Intolerance (ECRI). In the OSCE framework, the EU worked in close cooperation to advance the implementation of the commitments made by the 56 OSCE Participating States as regards combating racism, xenophobia and discrimination.

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 Mutama Ruteere, and his predecessor, Mr Githu Muigai. Eleven years after the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the EU remains fully committed to the principal objective of the 2001 Durban Conference, which is the total elimination of racism, racial discrimination, xenophobia and related intolerance.

The **International Convention on the Elimination of All Forms of Racial Discrimination** (ICERD) is the universal foundation for efforts to prevent, combat and eradicate racism. The European Union continued to call on all states that had not yet ratified or fully implemented the Convention to do so, but no ratifications were secured in 2012.

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 supported a wide range of civil society organisations in some 120 recent projects, worth a total of approximately EUR 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.

Consistent with the EU's principled policy in the area, on 24 July 2012 the Political and Security Committee endorsed a strategy paper entitled "*The EU in the follow-up to the Durban Declaration and Programme of Action*".

In the context of the **Joint EU and African Union strategic partnership** on democratic governance and human rights, both parties confirmed in 2012 the high importance they attach to the fight against racism, racial discrimination, xenophobia and related intolerance.

On 5 June 2012, the European Union and African Union delegations in Geneva organised a joint workshop for the Member States of their respective organisations, with a view to an exchange of best practice at local, national and regional levels on (a) combating racial discrimination in effect and (b) addressing incitement to racial hatred.

## **29 An enhanced policy on indigenous issues**

The principles of the EU's 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 of indigenous people and ensures their access to continued development around the world.

The EU seeks to integrate human rights, including indigenous peoples' rights, into all aspects of its external policies, including into its political dialogues with third countries and regional organisations, at multilateral forums such as the United Nations, and by giving financial support.

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 have issued a statement on the occasion of the International Day on 9 August almost every year. In the 2012 statement the High Representative joined "the indigenous peoples in celebrating their rich cultural heritage and contribution to the world ". In addition, EU delegations all over the world organised 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.

The EU continued to participate actively in the United Nations forums dealing with indigenous issues, as well as contributing to the cooperation work of UN agencies dealing with indigenous peoples. In 2011, the EU joined a consensus on the regular **General Assembly Third Committee resolution** on the rights of indigenous peoples, and approximately half of the EU Member States co-sponsored it. The resolution contained a decision to organise a High Level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, to be held in 2014. The EU also made a statement on indigenous issues in the Third Committee, as well as at the 2012 session of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), and took part in the interactive dialogue with the Special Rapporteur on the rights of indigenous peoples, Mr James Anaya. The EU contributed actively to the UN Working Group on Human Rights and Transnational Corporations and Other Business Enterprises' thematic report to be delivered to UN General Assembly 68 that will focus on the situation of indigenous peoples, with regard to the prevention of negative impacts of business activities on the rights of indigenous peoples.

Indigenous peoples' rights continued to be **mainstreamed in EU development cooperation strategies**. The Colombia Country Strategy Paper 2007-2013, for instance, addresses the humanitarian and human rights situation of its indigenous peoples, and includes among key priorities peace building through the involvement of marginalised citizens in local governance and the participatory economy, as well as the promotion of human rights, good governance and the fight against impunity. Another example is the explicit inclusion of indigenous peoples in the support for modernisation of the state, strengthening good governance and social inclusion in the Peru Country Strategy Paper 2007-2013.

The EU acknowledges the particular vulnerability and acute repression that defenders of indigenous peoples' rights face in many countries around the world, as shown by numerous international reports, including reports by the UN Special Rapporteur on Human Rights Defenders.

The EU also directly supports civil society organisations working on indigenous issues, in particular through the European Instrument for Democracy and Human Rights (**EIDHR**). Since 2011 the EIDHR has been financing a EUR 1.2 million project aimed at strengthening the network of indigenous peoples' human rights defenders which monitors and documents violations of human rights of indigenous peoples in Asia, to raise awareness at local level and internationally about indigenous peoples' rights and to protect those individuals and groups who promote and protect indigenous peoples' rights in Asia. This project, targeting Nepal, Bangladesh, India, Cambodia, Indonesia, Malaysia, the Philippines and Thailand, aims at tackling the lack of legal recognition and adequate policies for the protection of indigenous peoples' human rights in the Asian region, where approximately 200 million of the estimated total of 350 million indigenous peoples worldwide live.

In these countries, the majority of indigenous peoples live below the poverty threshold, suffer from all forms of discrimination and have little access to political decision-making processes and justice systems, and are victims of violations not only of their individual rights but also of their collective rights. The violations of indigenous peoples' participation rights in decision-making in matters which affect their rights is often caused by a non-acceptance of the principle of free, prior and informed consent and its practical dimensions. The non-recognition of the land rights of indigenous peoples has led to widespread land grabbing and forced displacement associated with plantations, large-scale mining, dams, infrastructure and protected areas. Also, many cases of human rights violations among indigenous peoples remain undocumented and unreported as the awareness among indigenous communities of their rights is low and advocacy activities remain very limited, especially in conflict areas, making the work of defenders of indigenous rights essential.

The new EU Human Rights Action Plan contains an action point on indigenous peoples: "Review and further develop EU policy relative to the UN Declaration on the Rights of Indigenous Peoples, with a view to the **2014 World Conference on Indigenous Peoples**".

### **30 Human rights for persons with disabilities**

On 22 January 2011, the **European Union became a party to the UN Convention on the Rights of Persons with Disabilities (CRPD)**. This was a historical development, since the CRPD is the first comprehensive human rights treaty to be ratified by the EU as a "Regional Integration Organisation". The EU actively participated in the CRPD States Party Conference, for the first time as a party, in September 2011. In October 2012 the Council decided to set up an EU-level framework, as required by Article 33.2 of the United Nations Convention on the Rights of Persons with Disabilities. The EU Framework will promote, protect and monitor the implementation of the UNCRPD in EU legislation and policy and with respect to "internal" implementation of the Convention by EU institutions, i.e. when acting as a public administration.

The CRPD aims to ensure that people with disabilities can enjoy their rights on an equal basis with all other citizens. The CRPD sets out minimum standards for protecting a full range of human rights and fundamental freedoms for people with disabilities. For the EU this means ensuring that EU level policies, legislative and programming actions comply with the CRPD's provisions on disability rights, within the limits of EU competences. In the **EU Disability Strategy for 2010-2020**, adopted in November 2010, which aims to help implement the provisions of the CRPD both at EU and at Member State level, "External Action" has been identified as one of its eight main areas for action. The strategy complements and supports action by the Member States, which have the main responsibility for disability policies. Disability has also been highlighted as an area of activity in the newly adopted EU Action Plan for Human Rights and Democracy.

Disability was increasingly raised in the **EU political and specialised dialogues** (including human rights dialogues) with third countries. In 2012, disability was raised as a human rights issue in human rights dialogues with the African Union, Chile, Mexico, New Zealand, the Palestinian Authority, Russia and the US. EU ratification of the CRPD provided added reason to do so. In particular, the EU called for the ratification and full implementation of the CRPD by all states.

During 2012, the EU continued to uphold and advocate respect for the human rights of persons with disabilities in the relevant regional and international forums.

The EU also continued to protect and promote the rights of disabled persons outside the EU through the systematic inclusion of persons with disabilities in **EU development cooperation**. Funding aimed at persons with disabilities is provided under several EU funding instruments, for example the Development Cooperation Instrument (DCI), the European Development Fund (EDF), the European Neighbourhood Instrument (ENPI) and the European Instrument for Democracy and Human Rights (EIDHR). In 2012 the EU funded over 80 projects, in over 50 partner countries (with a budget estimated at over EUR 30 million).

In accordance with **Action 30 (b)** of the Action Plan on Human Rights and Democracy, in August 2012 the European Commission completed the update of the Guidance Note on Disability and Development in line with the UN Convention on the Rights of Persons with Disabilities.

#### **COMPLIANCE WITH INTERNATIONAL HUMANITARIAN LAW (IHL)**

The EU undertook a variety of initiatives in 2012 to promote international humanitarian law worldwide, in line with the 2005 Council Guidelines on promoting compliance with international humanitarian law. International humanitarian law is distinct from international human rights law. It is composed of the four Geneva Conventions of 1949, their Additional Protocols, other international agreements and customary law, which together seek to protect persons who are not, or who are no longer, taking a direct part in hostilities (such as civilians, prisoners of war and other detainees, and the sick and injured), as well as to restrict the means and methods of warfare (including tactics and weaponry) in order to avoid unnecessary suffering and destruction.<sup>1</sup>

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<sup>1</sup> A comprehensive list of international humanitarian law instruments is set out in the Annex to the Council Guidelines on IHL.

Member States made progress on implementing their pledges made at the **31st International Conference of the Red Cross and Red Crescent in 2011**; Member States reiterated pledges concerning ratification of treaties at the United Nations High-Level Meeting on the Rule of Law held in September. Austria ratified the 2006 Convention for the Protection of All Persons from Enforced Disappearance on 7 June 2012, while Finland and Poland ratified the 1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction on 9 January 2012 and 27 December 2012 respectively. As a result of these ratifications, all EU Member States are now party to the Ottawa Convention. Work is underway in a number of Member States to ratify the Convention against Enforced Disappearances and other international humanitarian law conventions covered by the pledges made to the International Committee of the Red Cross (ICRC).

The EU reiterated the importance of **implementing international humanitarian law** in a number of statements made to the UN in 2012. In a statement to the UN Security Council on protection of civilians in armed conflict (25 June), the EU expressed its regret at the frequent failure by parties to armed conflicts to comply with their obligations under applicable international humanitarian law, international human rights law and refugee law to respect and protect civilians. The EU shared the UN Secretary-General's grave concern for situations, including in Afghanistan, South Sudan, Sudan, Democratic Republic of Congo and Somalia, where civilian populations, and in particular women and children, continued to be subject to various forms of extreme violence. The EU was very concerned about the humanitarian impact of the use of weapons in densely populated areas; it had taken note of the view expressed by the ICRC that the use of explosive weapons with a wide impact area should be avoided in densely populated areas, and called for this issue to be addressed in a more systematic and proactive way. The EU noted that strengthening accountability was an important element in enhancing compliance by parties to armed conflicts with their international obligations and underlined that national authorities had primary responsibility for ensuring accountability. The EU saw merit in the increased use of commissions of inquiry and fact-finding missions, and in referring such situations to the International Criminal Court. The EU supported the establishment of an environment in which all persons, institutions and entities are held to account according to laws and procedures consistent with applicable international humanitarian law, and advocated active participation of all states in the ICRC's ongoing endeavours to improve compliance with international humanitarian law.

In a statement to the United Nations General Assembly Sixth Committee on 22 October 2012 on the Status of the Additional Protocols to the Geneva Conventions, the EU stressed that the promotion of and respect for international humanitarian law is crucial to ensure the protection of victims of armed conflicts. The EU urged States that had not yet done so to accede to all the Additional Protocols to the Geneva Conventions. Where applicable and when appropriate, the EU encourages all parties to consider drawing on the services of the International Fact-Finding Commission established pursuant to article 90 of the 1977 additional Protocol 1 to the Geneva Conventions. In a statement on Israeli Practices Affecting the Human Rights of the Palestinian People made to the Fourth Committee on 9 November, the EU recalled the applicability of international humanitarian law in Palestine, including the applicability of the fourth Geneva Convention relative to the protection of civilians, and called for full respect of international humanitarian law in this context. Addressing the General Assembly on 13 December on enhancing the co-ordination of UN humanitarian and disaster relief assistance, the EU urged all states and parties to fulfil their obligations under international humanitarian law and called on warring parties to protect personnel assigned to medical duties, and their means of transport, property and medical facilities in accordance with all relevant international laws, including international humanitarian law.

During the UN Conference on an **Arms Trade Treaty**, the European Union and its Member States made clear their conviction that arms transfers must be denied in cases where there is a clear risk that the arms will be used for serious violations of international human rights law or international humanitarian law.

The EU has repeatedly called on all parties to the **Syrian conflict** to respect international humanitarian law. On 23 January 2012, Council conclusions condemned violence against civilians and called on the Syrian authorities to guarantee the safety of journalists in their country. The Council conclusions of 27 February welcomed the UN General Assembly Resolution on Syria and deplored the numerous civilian fatalities, calling on President Assad to immediately end the killing of civilians. **The EU called on all parties to respect the impartiality and independence of humanitarian organisations, and condemned the illegal attacks against medical staff bearing the symbol of the Red Crescent.** On 15 March, the anniversary of the uprising, the High Representative condemned the killing of civilians, calling for immediate humanitarian access and an investigation into the findings of the Independent International Commission of Inquiry, which pointed to crimes against humanity and other gross violations of human rights committed by the regime. On 23 March, Council conclusions expressed concern at the worsening humanitarian plight of the Syrian civilian population, and urged the Syrian authorities to grant humanitarian organisations immediate and unimpeded access to all parts of Syria. The EU welcomed the adoption of the Human Rights Council resolution on the human rights situation in Syria as well as the extension of the mandate of the Independent International Commission of Inquiry, underlining that there should be no impunity for the perpetrators of crimes against humanity and other gross violations of human rights.

On 27 May, the High Representative issued a statement condemning in the strongest terms the massacre of more than ninety people perpetrated by the Syrian regime against its own civilian population. On 23 July, Council conclusions expressed deep concern about the human rights situation and breaches of international humanitarian law in Syria. The EU called on all parties to respect international humanitarian law and to allow full and safe access for humanitarian workers. On 15 October, Council conclusions urged all parties to the conflict to fully respect their legal and moral obligations to protect civilians and reaffirmed the EU's support for the Independent International Commission's investigations, including into allegations of war crimes and crimes against humanity. In Council conclusions on 10 December, the EU welcomed the adoption of the Resolution on Syria by the UNGA Third Committee and called on the UN Security Council to address the situation in Syria in all aspects, including a possible referral to the International Criminal Court.

Concerning the **Democratic Republic of Congo**, on 14 March 2012 the High Representative issued a statement welcoming the verdict of the International Criminal Court in the case of Mr Lubanga Dyilo. On 7 June, the High Representative condemned the killing of civilians by armed forces in the Kivu region and recalled the EU's firm commitment to fighting impunity and bringing perpetrators of crime to justice. On 25 June, Council conclusions noted with concern the worsening security and humanitarian situation in eastern DRC and urged all parties involved to allow access for humanitarian assistance. Council conclusions in November reiterated this call, and underlined that all those responsible for violence against civilians, in particular women and children, should be held accountable.

On 14 May 2012, Council conclusions on the Middle East Peace Process recalled the applicability of international humanitarian law in Palestine, including the fourth Geneva Convention relative to the protection of civilians. On 9 November, Council conclusions on the Middle East Peace Process expressed grave concern about the situation in Gaza and Israel, condemned the deliberate targeting of innocent civilians and called on all sides fully to respect international humanitarian law.

On 23 January 2012, Council conclusions reminded the Government of **Sudan** of its responsibility to protect all civilians in its territory, called for full cooperation with the ICC and underlined the importance of accountability for violations of human rights and international humanitarian law. On 3 March, the High Representative issued a statement taking note of the ICC decision to issue an arrest warrant for Sudanese Defence Minister, Abdelrahim Mohamed Hussein, for crimes against humanity and war crimes, recalling that the most serious crimes of concern to the international community must not go unpunished. On 23 July, Council conclusions expressed concern about the deteriorating humanitarian situation in Southern Kordofan and Blue Nile, and urged the Sudanese authorities to allow immediate unhindered access for international humanitarian agencies. On 18 October, the High Representative condemned an attack on a convoy of UNAMID peacekeepers and called on the Government of Sudan to ensure that the perpetrators are brought to justice.

On 23 April 2012, Council conclusions on **Mali** called on all parties to the conflict fully to respect international humanitarian law and human rights and allow immediate and unhindered access for humanitarian aid. The Council also commended neighbouring states for their assistance in compliance with the obligations of international humanitarian law. On 17 May, the High Representative expressed concern that the control of Mali's northern regions by rebel forces was preventing the delivery of essential humanitarian assistance, and called on all parties to open humanitarian corridors. On 15 October, Council conclusions reaffirmed the EU's commitment to assist Mali in resolving the crisis through continuing humanitarian efforts, and recalled the obligation to ensure that all humanitarian actors have free and unhindered access to vulnerable groups.

The EU continued to take an active approach on the issue of private military and security companies and remains committed to prevent or remedy any human rights violations or abuses which could have some connection to the activities of private military and security companies (PMSCs). The EU greatly values an open and inclusive debate to enable a better understanding of the complexity of the discussion related to the regulation, monitoring and oversight of activities of PMSCs. In this regard, the EU considers the Montreux Document as a key document as it outlines the pertinent international legal obligations and good practices for States in relation to the operations of private military and security companies during armed conflict. The EU expressed its public support for the Montreux Document on 26 July 2012, and was the first international organisation to do so. The EU also continued to actively engage in the UN open-ended intergovernmental working Group on private military and security companies set up by the UN Human Rights Council and which held its second session on 13-17 August 2012. In this context, the EU also called upon other third countries to express support for the Montreux Document as it offers a concrete contribution to implementing existing international obligations.

As an employer of certain services provided by PMSCs, the EEAS began to review contracts with PMSCs in order to ensure their full compatibility with international humanitarian law and other applicable legal norms, with a view to ensuring accountability for any violations that might occur.

The EU continued to enhance its advocacy for respect of international humanitarian law in the framework of **humanitarian aid** in 2012. Commissioner Kristalina Georgieva denounced international humanitarian law violations in situations of armed conflict, such as in Syria and Mali, calling on all combatants to abide by the law and to protect those not taking part in hostilities, notably by ensuring safe and secure access for neutral humanitarian organisations. On 6 November 2012, in her speech on the "Humanitarian response to the Syrian crisis", Commissioner Georgieva emphasised that international humanitarian law was an obligation for all parties to the conflict. On 4 December 2012, in her speech at the Norwegian Refugee Council Conference on "Principles in Practice: Safeguarding Humanitarian Action", Commissioner Georgieva made the point that the humanitarian principles of humanity, impartiality, neutrality and independence were more valid than ever in the contemporary context of new actors in a humanitarian response.

During 2012, the **EU provided funding for a project**, implemented by the Norwegian Refugee Council and the Overseas Development Institute, to identify how humanitarian principles are applied in practice, with a view to strengthening their implementation. In this context, a high-level conference on humanitarian principles took place in Brussels in December 2012. The Commission also provided financial support to another project, implemented by the Swiss Foundation for Mine Action and Geneva Call, to provide training in international humanitarian law and related humanitarian norms to armed non-state actors.

Finally, the EU funded a project by the Finnish Red Cross to increase awareness of international humanitarian law and humanitarian principles among European humanitarian organisations and their implementing partners working in conflict-prone or post-conflict countries.

The EU continued to be concerned that the delivery of EU humanitarian aid could be impeded by **anti-terror legislation with extra-territorial reach**, which includes provisions that criminalise material support to listed organisations, irrespective of the humanitarian character of such actions or the absence of any intention to support terrorist acts. Following the judgment of the US Supreme Court in *Holder v Humanitarian Law Project*, which confirmed the constitutionality of the provisions of US law prohibiting the provision of training in international humanitarian law to certain listed entities, the Commission continued to address this issue with the US authorities at different levels, such as with the US State Department and Department of Justice.

## VI WORKING WITH BILATERAL PARTNERS

**The EU will place human rights at the centre of its relations with all third countries, including its strategic partners.**

### **First European Human Rights Week (3-14 December 2012) in Brazil**

To mark International Human Rights Day (10 December), which was also the day on which the European Union received the 2012 Nobel Peace Prize, the EU Delegation in Brasilia organised a series of cultural events, which included a Human Rights Defenders (HRD) Seminar, film showings, debates, the launch of an HRDs publication, and a gala concert. The events were organised in coordination and cooperation with EUNIC and the EU Member States in Brasilia, as well as the Brazilian Human Rights Secretariat (SDH), the UN (including the UNAIDS, UNFPA, and UN Women agencies), the Brazilian Public Ministry and the University of Brasilia. The events had a broad human rights focus and a celebratory purpose.

One of the most significant events during the week was the **Human Rights Defenders (HRDs) Seminar**, which was financed through the EU-BR Sector Dialogues Facility Fund. It brought together the most representative and well-known HRDs in the country (all of them living under threat and protection and representing a variety of issues), organisations working in their defence, as well as representatives from both the National and State HRDs Protection Programme. There was a broad range of participants, who gave explosive accounts of what living under threat implies.

### 31 Impact on the ground through tailor-made approaches

Section 31 'Impact on the ground through tailor-made approaches' of the EU Action Plan on Human Rights and Democracy, adopted in June 2012, contains a commitment to "Ensure comprehensive follow-up to the human rights country strategies through annual progress reports and reviews".

The EU's **human rights country strategies** were introduced with the aim of achieving a more targeted and coherent approach to human rights issues in third countries. They were designed to bring better understanding of key human rights challenges, and to focus EU action on key priorities – both policy and financial – thus making EU action more tailored to its purpose and effective.

Since the beginning of the exercise, more than 140 human rights country strategies have been drafted, 48 of which received the final endorsement of the PSC during 2012. In December 2012, a process of **follow-up and monitoring of the implementation** of the human rights country strategies was launched.

## 32 Impact through dialogue

The EU values human rights dialogues with third countries as efficient tools of bilateral engagement and cooperation in the promotion and protection of human rights, and continued to work to increase their effectiveness in 2012, notably through:

- closer links between human rights dialogues and other policy instruments, notably the new human rights country strategies, and also in other policy areas e.g. the conversion of the local dialogue with Colombia into a capital-based dialogue in the context of the new free trade agreement.
- strengthening dialogue and cooperation on human rights with the EU's strategic partners. In 2012, the substance and format of the dialogues with Brazil and Mexico were enhanced, with high-level sessions taking place in Brussels for the first time. A new human rights dialogue was formalised with South Africa, whilst human rights consultations were opened with the Republic of Korea.
- the roll-out of best practice across the various formats of human rights dialogues, including summits, notably by better embedding them in the overall relationship with the third country concerned, and by focusing attention on the follow-up to the dialogues through specific action plans, legislative reforms and projects which the EU can support through its instruments, including cooperation assistance. Human rights dialogues in the context of the ENP policy continued to constitute best practice in this respect.

- close attention to setting the agendas for human rights dialogues, with a focus on the domestic human rights situation, including individual cases, whilst being responsive to requests from partner countries to discuss EU internal human rights issues, in close cooperation with EU Member States. Multilateral issues at the UN and relevant regional organisations are now included as standard items on the agenda for the dialogues.

As part of this **best practice**, consultations with civil society, both at headquarters and in the country concerned, as well as debriefing after the dialogues, were undertaken across the board. In addition, 12 dedicated civil society seminars were held in 2012 to feed into the official human rights dialogues.

Formal human rights dialogues or subcommittees took place with the following partners in 2012 : the African Union, Argentina, Armenia, Azerbaijan, Brazil, Belarus, Cambodia, Chile, China, Colombia, Georgia, Indonesia, Jordan, the Kyrgyz Republic, Laos, Lebanon, Mexico, the Republic of Republic of Moldova, Morocco, Pakistan, the Palestinian Authority, Ukraine, Uzbekistan and Vietnam. Consultations on human rights took place with Japan, Russia, the US and candidate countries (FYROM, Iceland, Montenegro and Turkey).

It was not possible to hold sessions of the established human rights dialogues with Egypt, Sri Lanka and Tunisia in 2012. The sessions with Algeria, India, Israel, Laos, Tajikistan and Turkmenistan were postponed to early 2013. The human rights dialogue with Iran has been suspended since 2006.

Informal sessions, notably through video conferencing and in New York and Geneva, were conducted throughout the year with an increasing number of partners on multilateral human rights issues and priorities.

In addition, nearly all the 79 African, Caribbean and Pacific countries that are party to the Cotonou Agreement engaged in dialogue with the EU based on Article 8 of the Agreement, encompassing a regular assessment of developments concerning respect for human rights, democratic principles, the rule of law and good governance. According to Article 9 of the Cotonou Agreement, human rights, democratic principles and the rule of law constitute its essential elements, and are as such subject to the dispute settlement clause of Article 96, on the basis of which consultations and appropriate measures, including (as a last resort) the suspension of the Agreement, can be undertaken with regard to the country in question. In 2012, appropriate measures, including references to EIB lending, remained applicable to five countries: Zimbabwe, Fiji, Guinea, Guinea Bissau and Madagascar.

In addition, several member States have conducted in 2012 bilateral dialogues with third countries. These bilateral dialogues support the EU's framework of human rights dialogues, adding elements of member States' own experience and expertise, for example as regards successful democratic transitions.

### **33 Effective use and interplay of EU external policy instruments**

The **human rights clause** was not used as the basis for new restrictive measures against any third country during 2012. A debate began on developing criteria for application of the human rights clause, which will take account of the calls by the European Parliament and civil society for more consistent and coherent application of the clause with all partner countries.

## VII WORKING THROUGH MULTILATERAL INSTITUTIONS

### **34 Advance effective multilateralism - 35 Effective burden sharing in the UN context**

The EU is fully committed to a strong and effective multilateral human rights system that fosters the further development and universal application of universal human rights standards. The EU is actively bringing its human rights priorities to both the Third Committee of the United Nations General Assembly and to the Human Rights Council and is increasingly engaging with countries from all regions on initiatives that genuinely contribute to the protection and promotion of human rights. In Action 34 of the 2012 EU Action Plan on Human Rights and Democracy the EU committed to make its participation in these forums even more effective through an annual approach to and systematic outreach on the EU priorities at the UN, and through strengthening the existing system of burden sharing with Member States.

#### *67th session of the UN General Assembly*

The Third Committee (Social, Humanitarian and Cultural Affairs) of the 67th session of the General Assembly formally ran from 8 October to 28 November, and its results were confirmed by the UN Plenary in December 2012.

By the end of the session, the Committee had adopted 61 resolutions, 15 following a vote.

The EU was successful in achieving its main objectives for the session: all five EU initiatives were adopted by the Third Committee, with important results.

A resolution on a moratorium on the death penalty, introduced by a broad cross-regional coalition and the highest number of co-sponsors ever, was adopted with more votes in favour than in past years, affirming the trend towards abolition.

A resolution on human rights in Myanmar/Burma was adopted by consensus for the first time since 2005 in the context of reforms in the country, and following EU engagement with the country concerned. It welcomed the progress made, while drawing attention to the remaining human rights challenges in the country, including the remaining political prisoners, the violence and discrimination against the Rohingya and the situation in the ethnic areas.

A comprehensive text on the persistent human rights violations in the DPRK was initiated together with Japan and in a surprising but welcome development, the resolution was also adopted without a vote.

Freedom of Religion and Belief was again brought to the Committee by the EU, and a comprehensive, human rights-based text was adopted by consensus. An OIC resolution combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence was able to be consolidated, even though negotiations to find acceptable language were extensive, against the backdrop of reactions to an Internet based video and cartoons just before the start of the session.

EU and GRULAC were able to achieve consensus on a resolution on the rights of the child, which focused on indigenous children and also extended the mandate of the Special Representative of the Secretary-General on violence against children, bringing its funding under the regular UN budget.

The EU also strongly supported country resolutions on Iran and Syria which were adopted by a vote, although without any no-action motion being called this year. The Canadian resolution on Iran, supported by the EU, was adopted with over 80 votes in favour, reflecting continued support for the initiative. The resolution on human rights in Syria was tabled by a broad cross-regional group led by Arab countries and adopted with the strongest support to date for a (voted) country resolution in the Third Committee

The Committee made progress on other EU priorities, for instance regarding gender equality and the advancement of women, adopting without vote a resolution on the elimination of all forms of violence against women<sup>1</sup> and the first ever UN General Assembly resolution condemning and aiming to end the practice of female genital mutilation.

The EU was united for the overwhelming majority of votes on resolutions (13 out of 15) and worked with third countries to improve texts before the Committee, for instance the resolution on racism. The EU achievements during the UNGA 67th Third Committee constituted a significant team effort with nearly all Member States engaging in burden sharing and many (12) in the presentation of national initiatives<sup>2</sup>. The EU also united forces for outreach and lobbying.

EU efforts to build support for LGBT issues were continued through the organisation of a cross-regional high-level side event on the importance of leadership in the fight against homophobia attended by the UN Secretary-General.

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<sup>1</sup> Supported by over 100 co-sponsors from all regions.

<sup>2</sup> Intensification of Efforts to Eliminate All Forms of Violence Against Women (**NL + FR**), Torture and other cruel, inhuman or degrading treatment or punishment (**DK**), Committee Against Torture (**DK**), International Convention on the Elimination of All Forms of Racial Discrimination (**SI + BE**), Human Rights in the Administration of Justice (**AT**), Extrajudicial, summary or arbitrary executions (**SE**), International Convention for the protection of all persons from enforced disappearance (**ARG, FR and MO**), Strengthening the UN Crime Prevention and Criminal Justice Programme (**IT**), Return or restitution of cultural property to the countries of origin (**EL**), Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto (**SE, MX, & NZ**), Committee on Rights of the Child (**SI & Costa Rica**), Office of the United Nations High Commissioner for Refugees (**Nordic**).

The EU was again very active in the three regular sessions of the Human Rights Council in 2012 as well as in its one special session on the situation in Syria. This country continued high on the HRC agenda throughout the year, with the Council adopting resolutions on Syria at each session, two of which were tabled by the EU. The mandate of the Commission of Inquiry on Syria was extended until March 2013.

At the Council's March session, the EU also tabled resolutions on Myanmar/Burma and the Democratic People's Republic of Korea (with Japan), both extending the mandates of the respective Special Rapporteurs, as well as initiatives on freedom of religion and belief and the rights of the child (with GRULAC), all of which were adopted by consensus. The EU moreover supported a resolution extending the mandate of the Special Rapporteur on Iran.

In June, the EU successfully proposed the creation of a new country mandate which received cross-regional support and a Special Rapporteur on the situation in Belarus was appointed in September. The Council also appointed a Special Rapporteur on Eritrea with EU support and renewed the mandates of the Independent Experts on Haiti, Cote d'Ivoire and Somalia.

Other country situations addressed by the Council included Tunisia (positive developments were highlighted in the EU's item 10 statement on technical cooperation). On Bahrain, most EU Member States supported a Swiss-led joint cross-regional statement (item 4), expressing concern at the human rights situation and urging implementation of the recommendations by the Bahrain Independent Commission of Inquiry as well as cooperation with the OHCHR. The dispatch of a fact-finding mission on Israeli settlements proved a difficult issue in terms of EU unity.

A remarkable feature of the HRC sessions in 2012 was the diversification of initiators of country-specific initiatives, including by the African Group or a group of African countries, and the leadership of the Syria initiative by an Arab-led group since September.

The EU also supported the important thematic work of the HRC. It actively supported a panel organised to raise awareness of violence and discrimination based on sexual orientation and gender identity which was successful despite an orchestrated OIC walk-out. The EU also engaged constructively on resolutions on violence against women and discrimination against women. The EU continued to defend the participation of NGOs in UN meetings and spoke out against reprisals against human rights defenders, including those who cooperate with UN human rights mechanisms.

In addition, several EU Member States, individually or in cooperation with third countries, successfully promoted thematic initiatives (for instance on human rights, democracy and rule of law, trafficking in persons, arbitrary detention, the right to education, freedom of expression and the Internet, IDPs and conscientious objection).

The EU also worked to focus the Council's attention on initiatives that genuinely contribute to the protection and promotion of human rights. It thus engaged with third partners on potentially problematic initiatives (for instance Cuba's resolution on the right to peace) and defended the universal validity and application of human rights in the context of a resolution on traditional values, even though the results of the vote remained discouraging.

The EU also expanded its public diplomacy activities and co-hosted more meetings, for instance a well-attended side-event on women human rights defenders co-organised with Brazil.

Throughout the three sessions, the EU was able to maintain unity with the exception of a split vote on Israeli settlements and on Russian amendments to the resolution on Libya. However, the EU spared no effort to jointly as well as bilaterally encourage Israel to re-engage with the HRC and the OHCHR, following its suspension of relations after the creation of a FFM on Israeli settlements in the March session. The EU also spoke out in favour of the universality of the Universal Periodic Review and encouraged Israel to cooperate with the mechanism.

While the EU budget contains an annual contribution to the budget of the OHCHR to support targeted actions of the Office, the 2012 support is part of an exceptional ad hoc contribution to the budget of the Office of 10 million € worth. This ad hoc support allowed the Office to face the unforeseen increase of its workload in Northern Africa and Asia, and to mitigate the decrease of the UN's membership's financial contribution at a key moment.

### **36 Enhanced regional mechanisms for human rights**

The EU developed its action in support of regional human rights mechanisms in 2012.

The human rights dialogue with the African Union was revitalised, thanks to a high-level session in November led on the AU side by the new AU Commissioner for Political Affairs, Commissioner Abdullahi, and, on the EU side, by the EU Special Representative for Human Rights, Mr Stavros Lambrinidis. Deliverables were agreed to enhance cooperation towards abolition of the death penalty, on the implementation of UNSC resolution 1325 (women, peace and security), and on sharing of training modules on gender, children and human rights for peacekeeping missions.

Cooperation on human rights with the League of Arab States was initiated on the basis of the EU-LAS Cairo declaration of 13 November 2012. The joint work programme adopted at the same meeting includes cooperation on human rights, focused on dialogue and exchange of knowhow on the implementation of international human rights standards, the development of the LAS human rights mechanisms, and the mainstreaming of human rights in LAS activities.

In its bilateral dialogues with Latin American countries, the EU reiterated the importance of independent regional mechanisms and the need to safeguard the acquis and integrity of the Inter-American Human Rights System.

Dialogue with the OIC was pursued, notably in the context of the implementation of Human Rights Council resolution 16/18 and other consensual resolutions on the fight against religious intolerance and freedom of religion or belief.

Concrete cooperation on the ratification of international human rights instruments was developed with the Pacific Island Forum through a project financed by EIDHR.

The EU encouraged and closely followed ASEAN's adoption of a charter on human rights, and called for respect for international human rights standards.

Finally, strong encouragement was given and useful exchanges of experience on the implementation of universal human rights standards by regional mechanisms took place in Brussels in December in the framework of the 14th annual EU-NGO forum dedicated to the role of regional mechanisms and their cooperation with civil society. This opportunity was seized by the many regional mechanisms which were represented. The forum, opened by EUSR Lambrinidis, received contributions from the UN High Commissioner for Human Rights Ms Navi Pillay, the Human Rights Commissioner of the Council of Europe, Mr Niels Muiznieks, the Chairperson of the African Commission of Human and People's Rights, Ms Dupe Atoki, the Chair of the European Parliament's Human Rights Sub-committee, Ms Barbara Lochbihler, the Vice President of the FIDH, Mr Arnold Tsunga, as well as from many representatives of civil society and regional mechanisms, such as the OAS, the OSCE, ASEAN, the League of Arab States and the Organisation of Islamic Cooperation.

## *The Council of Europe (CoE)*

The cooperation between the EU and the Council of Europe saw a further deepening in 2012. Following the 2007 Memorandum of Understanding both organisations maintain regular contacts at both political and working level, with cooperation on human rights, rule of law and democratisation issues being at the heart of their relationship.

In order to foster the protection of fundamental rights within the EU, the Lisbon Treaty mandated the EU to accede to the European Convention of Human Rights (ECHR). The draft agreement at expert level concluded in 2011 was the subject of further discussions within the EU in the Fundamental Rights Working Party, as some sensitive aspects of the accession have to take into consideration the specificity of the EU institutional set-up. In June 2012, negotiations resumed on the basis of EU proposed amendments.

The Commission President, the High Representative/Vice-President as well as line Commissioners regularly met senior Council of Europe officials, including the Secretary General and the Commissioner for Human Rights. The EU particularly appreciated the work of Council of Europe expert bodies in monitoring and advising CoE member states on human rights standards.

As every year, in 2012 the EU held annual consultations on its enlargement package with the Council of Europe. In November 2012, the EU also held consultations with the Council of Europe and its monitoring bodies during the preparation of the annual ENP progress reports. The EU continued to enjoy good cooperation with the CoE Commissioner for Human Rights, and direct and regular contacts were established with the newly appointed EUSR for Human Rights.

The EU continues to be a major contributor to CoE activities through financing joint programmes and activities. The EU and CoE have implemented an increasing number of joint programmes within the fields of rule of law, democracy and human rights, reaching the figure of EUR 101 million in 2012 (co-financed at an average rate of 89% by the EU). Following the promising results of the Council of Europe Eastern Partnership Facility, in 2012 the EU launched the EU-Council of Europe "Programme for Strengthening Democratic Reform in the South Mediterranean" (EUR 4.8 million over 30 months), which promotes progress on human rights, rule of law and democratisation in the Southern Mediterranean countries, in the spirit of the EU's revamped European Neighbourhood Policy. A similar enhanced cooperative approach was implemented with the countries of Central Asia to support progress towards pluralist democracy and good governance. In the framework of the "EU Central Asia Rule of Law Initiative", a follow-up to a regional Venice Commission joint programme aiming at developing legislation and practices in the field of the judiciary is under preparation. In the EU strategy review for Central Asia (CA), specific mention is made of the CoE Neighbourhood Policy as providing important support to security and stability in the region.

### *The OSCE*

The EU remained a major supporter and strong contributor to the work of the OSCE in 2012. With almost half of the OSCE membership, which increased in 2012 with Mongolia becoming the 57th Participating State, the EU continued to support the OSCE's efforts to enhance security through all three dimensions of its work:

- the politico-military;
- the economic and environmental;
- and the human dimension.

As regards the human dimension, the year 2012, under Ireland's Chairmanship in Office (CiO), yielded mixed results. For the second year in a row, and despite major efforts from the CiO and the EU, the Ministerial Council in Dublin in December 2012 could not reach a consensus on adopting ministerial decisions on human dimension issues, notably because of the opposition of certain participating states to reaffirm existing commitments or strengthen the OSCE's work in the field of media freedom and freedom of association and assembly. Despite the lack of progress, the EU will continue to promote freedom of expression and freedom of the media, both online and offline, advocate for safety for journalists and strengthen freedom of assembly and association within the OSCE forums.

It did not prove possible to conclude the review of the human dimension events aimed at improving their planning and follow-up initiated by the Swiss chairmanship of the human dimension committee and taken forward by the Chairmanship in Office of the OSCE with strong EU support, given the diverging positions of participating states. Nonetheless, the EU is of the opinion that the current way of reviewing the implementation of OSCE commitments is satisfactory provided that there is political will: the format is not the real problem.

The EU continued to use the OSCE weekly Permanent Councils and the monthly OSCE human dimension committees to review the human rights commitments of the 57 OSCE Participating States and to trigger open and frank debates about their implementation. A number of EU concerns with regard to human rights and fundamental freedoms, inter alia on the safety of journalists, rights of LGBTI persons or civil society in general were highlighted in such forums.

The EU also participated in the OSCE human dimension seminar held in May on the Rule of Law Framework for Combating Trafficking in Human Beings (Warsaw, 14-16 May) and in the three supplementary human dimension meetings on combating racism, intolerance and discrimination in society through sport (Vienna 19-20 April), on elections (Vienna, 12 July) and on freedom of assembly and association (Vienna, 8-9 November) as well as in the Chairmanship in Office Conference on Internet Freedom (Dublin, 18-19 June). Furthermore, the EU delegation in Vienna and the EU Fundamental Rights Agency organised a symposium on improving the situation of Roma and Sinti in the EU. This allowed the EU to support and shape topics that constitute the EU's priorities within the OSCE, such as media freedom, including on the Internet, freedom of assembly and association and all forms of tolerance and non-discrimination.

In May 2012, the EU contributed to find an agreement on the OSCE's role in the facilitation of the Serbian elections in Kosovo.

The yearly Human Dimension Implementation Meeting took place in Warsaw between 24 September and 6 October. EU Special Representative for Human Rights Stavros Lambrinidis delivered the EU statement at the opening session and held consultations with his counterparts and with civil society organisations, whose presence in the HDIM make this forum unique. The EU participated actively in the working sessions which allowed participating states and civil society to review their commitments on the human dimension and to formulate recommendations. On that occasion, the EEAS also successfully co-sponsored with several Member States a side-event on combating hate crimes against LGBTI persons.

The EU continued its close interaction with OSCE structures through the EU delegation in Vienna and dedicated exchanges at headquarters level, in particular on issues concerning election monitoring with the ODIHR, with the OSCE secretariat as well as with the Representative on Freedom of the Media.

## EUROPEAN PARLIAMENT CONTRIBUTION TO THE 2012 - EU ANNUAL REPORT ON HUMAN RIGHTS AND DEMOCRACY IN THE WORLD

The European Parliament (EP) remains committed to the advancement of human rights and democratic principles. During 2012 human rights violations were debated in plenary sessions and targeted in various parliamentary resolutions. Human rights are also an integral part of the work of the President of the European Parliament, who raised relevant issues in public statements as well as in his high-level meetings during the course of the year. At the level of the committees of the European Parliament, issues relating to human rights in the world are specifically dealt with by the Committee on Foreign Affairs's Subcommittee on Human Rights (DROI). The Subcommittee maintains close working relations with the European External Action Service, other EU institutions and human rights NGOs. In 2012, DROI had its first formal exchanges of views with the new EU Special Representative for Human Rights, on the basis of which regular consultations on EU human rights policy will be built. Through *in camera* briefings and debriefings, the Subcommittee on Human Rights has followed the human rights dialogues and consultations conducted by the EEAS with third countries. Due to its increased procedural powers, DROI was able to take on more parliamentary reports in 2012, including the Annual Report on Human Rights as well as reports on other major issues of importance, such as the EU's human rights strategy, and the impact of the economic crisis on human rights. Over the course of the year DROI hearings, often arranged jointly or in association with other relevant committees or inter-parliamentary delegations, welcomed several UN Special Rapporteurs on human rights as well as prominent human rights defenders.

The European Parliament also seeks to achieve mainstreaming of human rights in its work, in accordance with the treaties' proclamation of universal human rights and democracy as the founding values of the Union and as core principles and objectives of the Union's external action. This priority task has many dimensions. Human rights issues are debated in the Committee on Foreign Affairs (AFET), when it deals with parliamentary reports on EU foreign policy or with different types of international agreements which include human rights clauses. Commercial and trade agreements including human rights clauses, are dealt with by the Committee on International Trade (INTA). The Committees on Development (DEVE), and Women's Rights and Gender Equality Committee (FEMM) also deal regularly with human rights aspects of the EU's external relations in their respective spheres of competence. The Chairs of AFET and DEVE co-chair the Democracy Support and Election Coordination Group (DEG) that expanded its mandate beyond election observation to cover also follow-up to elections and democracy support activities in general. The Committee on Civil Liberties, Justice and Home Affairs (LIBE) is the key actor on fundamental rights within the European Union, and it has important responsibilities concerning external aspects of the EU's internal policies, for example in the areas of migration and asylum policies. Constitutional and legal questions are dealt with by the Committee on Constitutional Affairs (AFCO) and the Committee on Legal Affairs (JURI), including EU accession to the European Convention on Human Rights, which will also have implications for/an impact on EU external relations. The European Parliament's inter-parliamentary delegations themselves regularly raise human rights issues with their interlocutors.

Among the various policy questions which the European Parliament focussed on in 2012, the following key issues can be specifically identified:

## **EU human rights policy**

The European Parliament has recognised and welcomed the fact that 2012 marked a new chapter for the EU's human rights policy as a result of the adoption of the EU Strategic Framework and Action Plan on Human Rights and Democracy. The review was undertaken on the basis of the Joint Communication of December 2011 by the European Commission and the High Representative entitled "Human Rights at the Heart of EU External Action - Towards a More Effective Approach". The European Parliament welcomed the communication and decided to put forward its position on the review in an own initiative report.

Parliament advocated a fully-fledged review of the EU's human rights policies and supported the Council's three-pillar approach of drafting a strategic document, elaborating an action plan, and appointing an EU Special Representative for Human Rights. The EP had long been calling for more efficient, visible and coherent action in the EU's human rights policy and had called for the appointment of an EU Special Representative (EUSR) for Human Rights in previous annual reports.

### **EU Special Representative for Human Rights**

Parliament's Annual Report on Human Rights and Democracy in the World in 2010, adopted in April 2012, already addressed a number of considerations regarding the review and reiterated the call for a EUSR. Following the EU Foreign Affairs Council's adoption of the human rights package in June, Parliament's Annual Report on Human Rights and Democracy in the World 2011, adopted in December 2012, stressed the need to maintain the momentum by efficient implementation and ambitious action, including a recommendation to appoint an EUSR for Tibet, a mid-term assessment of the new human rights package, particularly the Action Plan, and for Parliament to be extensively consulted and regularly informed, as well as for civil society to be integrated in the implementation of the package.

In order to present its views on the question, on 13 June 2012 the EP adopted a Recommendation to the Council on the EUSR, arguing for a strong, independent and flexible mandate, and emphasising that the mandate should be fully in line with the principles of the universality and indivisibility of human rights and fundamental freedoms.

Although Parliament's position was largely in line with the Council's proposals, the EP also recommended a number of elements for the mandate that reflected a difference compared with the original draft mandate proposed by the Council. Some of these were reflected in the final mandate as adopted by the Foreign Affairs Council. In particular the EP proposed a two-year mandate and called for adequate financial and human resources in order to guarantee the effectiveness of the work of the EUSR. The Recommendation also reflected the EP's push to strengthen the accountability of EU policies in this field. The EP underscored its wish to play an appropriate role in the appointment procedure and the oversight of the mandate during its entire term, and invited the EUSR for an exchange of views upon appointment. This took place on the EUSR's first day in office on 3 September 2012, providing for a public opportunity for him to set out his vision and priorities for his term. The text of the Recommendation also insisted that the EUSR for Human Rights should regularly report to the relevant committee of the European Parliament on the situation of human rights in the world and the state of play of the implementation of the mandate.

## **Review of the EU's Human Rights Strategy**

In an effort to offer its own contribution to the review process, in 2012 the EP adopted an own initiative report on the issue. The EP was pushing for a thorough and systematic review to arrive at a comprehensive strategy on the EU's human rights policies, as reflected in the choice of title,

Throughout the process of the review, the EP emphasised the shared and indivisible responsibility of all EU institutions and Member States to protect and promote human rights worldwide, and it stressed its wish to be closely associated with the reshaped policy framework and oversight of its implementation. On this basis it advocated a joint inter-institutional declaration on human rights, committing all institutions to common founding principles and objectives. Regrettably, this was not achieved.

An informal contact group was established to discuss on-going work on the review and the drafting of the Strategic Framework and the Action Plan. This contact group proved to be a useful forum and continued its work even after the adoption of the "human rights package" in June, entrusted with the follow-up to the Action Plan, as set out in the EP report.

Parliament placed special emphasis on the need for improved coherence and consistency across all policies in the EU's external action and with other policies. The EP called on the EU to move from words to action and to implement pledges made in a swift and transparent manner, and stressed that the Strategic Framework and Action Plan represent a floor, not a ceiling, for EU human rights policy. It also urged the Commission and the EEAS to live up to the pledge of a “human rights-based approach” across the entire development cooperation process.

The EP report also addressed the issue of international agreements and human rights clauses and called for human rights impact assessments to be done before the negotiation of any bilateral or multilateral agreements with third countries. The EP also called for improved benchmarking and assessment of EU human rights policy.

Further to the commitments made under the new Strategic Framework and the Action Plan, Parliament urged the Commission to propose legislation requiring EU companies to ensure that their purchases do not support perpetrators of conflicts and grave human rights violations, namely by carrying out checks and audits on their supply chains of minerals. Parliament also called on the Commission to produce and make public a list of EU companies which have been directly complicit in human rights violations in their dealings with authoritarian regimes.

Fully aware of its own responsibilities and potential, Parliament asked to be properly involved in the implementation phase of the Action Plan and pleaded for a more systematic follow-up and closer cooperation with EU institutions as well as with the national parliaments of Member States.

It stressed the need to improve the model for plenary debates on cases of breaches of human rights, democracy and the rule of law in order to allow for more frequent debates with broader participation by Members, consultations with civil society during the drafting process, and a greater degree of responsiveness to human rights violations and other unforeseen events on the ground. Moreover, it underlined the need for better follow-up to its debates and resolutions on human rights issues. It acknowledged that human rights must be better mainstreamed into its own activities, including a systematic approach by the EP's standing delegations. The report also stressed the need for better utilisation of the potential of the Sakharov Prize Network, and recommended the organisation of an annual event on human rights defenders.

The report on policy coherence for development, prepared by the Committee on Development and adopted in October 2012, also made several important policy recommendations regarding EU human rights policy, especially regarding its linkages with EU development policies. The report considers that any discussion on policy coherence for development has to take into account the interdependence of development, democracy, human rights, good governance and security. Parliament calls attention to the catalytic role of the overall framework of good governance and respect for human rights for development in partner countries, while at the same time warning that the relevance of the EU's pledges for democracy and human rights and its conditionality policies "can only be assured when no other policy area, and when no interaction with partner countries, counteract initiatives undertaken to strengthen human rights, human security and democracy in partner countries." Parliament also stresses the importance of promoting women's human rights in the civil, political, social, economic and cultural spheres, as well as in national legislation. Regarding more specific policy areas, Parliament supports a migrant-centred and human rights based approach to EU migration policy and calls for the inclusion of human rights obligations in all fisheries partnership agreements.

## Democracy support

The European Parliament, as the only directly-elected EU institution, is strongly committed to developing the EU's policies in support of democracy in the world, as already indicated in the report and resolution on *'EU external policies in favour of democratisation'* of July 2011.

In March 2012 the EP adopted a recommendation on the modalities for the establishment of a European Endowment for Democracy (EED), supporting the initiative but ensuring that it does not duplicate or come at the expenses of the existing instruments. Based on the recommendation, the EP, represented by the rapporteur for the recommendation, participated in the negotiation on the Statutes of the EED and in its establishment. Nine Members of the EP sit on the Board of Governors of the EED. In November, the Chair of the Foreign Affairs Committee was elected chair of the Board, and a representative of Parliament also chairs the Executive Committee.

The proposals for the new financing instruments for external action covering 2014-2020 were presented in 2012, including the proposal for the new European Instrument for Democracy and Human Rights (EIDHR). In July, the Committee on Foreign Affairs (AFET) endorsed the negotiating position, mandating the rapporteur to launch negotiations, which began in November 2012 and were still on-going at the end of the year.

## Creation of Democracy Support and Election Coordination Group (DEG)

In this context, in May 2012 the European Parliament's Election Coordination Group (ECG) expanded its mandate beyond election observation to cover also follow-up to elections and democracy support activities in general, thus becoming the Democracy Support and Election Coordination Group (DEG)<sup>1</sup>. The composition of the Group was also updated to include the Vice-President responsible for Human Rights and Democracy and the Sakharov Prize Network, as well as the Chair of the Subcommittee on Human Rights as *ex officio* permanent members.

Accordingly, the DEG gives political guidance and supervision on:

- monitoring and continued follow-up of elections;
- promotion of parliamentary democracy, including training of staff and members of parliaments of emerging democracies with priority to those in the e neighbourhood, new forms of e-democracy, support for the elaboration of legislation and building up / managing of programmes such as Euromedscola;
- management of activities in connection with the Sakharov Network and Human Rights related actions;
- management of activities aiming to support parliaments in the Western Balkans, including training.

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<sup>1</sup> Conference of President's decision of 16 May 2012

## ***EP election observation activities in 2012***

In 2012, the European Parliament continued to be fully engaged in election observation activities. It sent seven delegations (Senegal, Armenia, Algeria, East Timor, Georgia, Ukraine, Sierra Leone, as well as a second round in Senegal and a preparatory mission to Ukraine) to observe elections in different countries over three continents. The primary objective was to assess if electoral procedures were conducted in agreement with the national legislation of the host country and its international commitments for democratic elections. EP delegations were integrated within the framework of EU Election Observation Missions (EU EOMs) or joint International Election Observation Missions (IEOM) with the OSCE Office for Democratic Institutions and Human Rights (ODIHR), in charge of the long-term missions.

The Democracy Support and Election Coordination Group requested the preparation of two studies: the first, *"Towards EU support for peaceful post-election transitions of power"* was presented at the DEG meeting on 6 November. Given the success of this study, it was also presented at the Declaration of Principles follow-up meeting in Washington in November 2012. The second study, *"Enhancing the Follow-up to Election Observation Mission Recommendations"*, analyses current practices concerning the drafting, implementation and follow-up of Election Observation Missions' recommendations, and could serve as background to improve the methodology used to frame and target EU EOMs' recommendations to ensure that they can make a lasting contribution to supporting democracy.

In addition, on 20 June 2012 the DEG organised an EP Session on EOM Recommendations "From Drafting to Implementation". Based on the conclusions adopted at this session, it took the important decision to endorse EOM recommendations as part of the "road map for democracy" in the country concerned and to charge the Chief Observer, who could be regarded as a sort of Special Representative, to ensure follow-up of the recommendations with the support of the EP's standing bodies.

At the same time, the Group continued to develop its cooperation with other institutions involved in the field of election observation and working alongside the European Parliament during their missions.

### ***European Parliament Office for the Promotion of Parliamentary Democracy***

Strong parliaments are at the core of all democratic systems which ensure respect for human rights. In 2012 the new Directorate for Democracy Support established within the EP secretariat also included the Office for Promotion of Parliamentary Democracy (OPPD). The OPPD's principal focus remains on strengthening parliamentary institutions and providing assistance to elected parliamentarians and parliamentary staff in new and emerging democracies. This is achieved in particular by organising study visits and training events, and by providing peer to peer advice and exchange of good practices for national or trans-border parliaments and joint parliamentary assemblies. Thus in 2012, the OPPD organised various capacity-building events for the Pan-African Parliament, the EURONEST Joint Parliamentary Assembly, the parliaments of Tanzania, South Africa, Tunisia, Libya, Kenya, Uganda, South Sudan, Pakistan, India, Afghanistan and Armenia, and the Parliament of the Economic Community of West African States (ECOWAS). Longer programmes of several weeks' duration were organised for 'Democracy Fellows' who came from the Eastern Partnership countries, and from Latin America and Tunisia.

OPPD actions increasingly target the EU's southern neighbourhood. Closer cooperation with EU Delegations on the ground emerged and MEPs became more directly involved in support activities. An assistance programme for the Tunisian Parliament was devised, combining bilateral actions with participation in a project for parliamentary assistance run by the United Nations Development Programme (UNDP). Prepared in close cooperation with the EU Delegation in Tunisia and the UNDP, it involved the EP directly in a comprehensive UNDP project for the first time. A member of the EP sits on the project's Steering Committee. The programme started with study visits by parliamentarians, staff and political party activists. Cooperation activities in the region are also directed at Libya, Morocco, Lebanon, Jordan, Algeria and women-parliamentarians.

### **International agreements, trade preferences and human rights**

Following the entry into force of the Lisbon Treaty, the EP has increased powers regarding issues pertaining to the EU's international agreements, including giving consent to the conclusion of agreements with third countries. Both the Committee on Foreign Affairs (AFET) and the Committee on International Trade (INTA) have important roles regarding the conclusion of agreements in their respective areas of competence.

In the case of the conclusion of the Partnership and Cooperation Agreement (PCA) with Turkmenistan, Parliament has withheld its consent due to human rights concerns. The EP requested, and finally obtained, agreement for a comprehensive mechanism to be established between Parliament and the EEAS, so as to allow for comprehensive and regular information on the implementation of the PCA, in particular its objectives and of Article 2, including benchmarking the results of actions undertaken by the EU and Turkmenistan regarding developments on human rights, democracy and rule of law in the country.

Human Rights have also figured highly in many of the debates in the European Parliament related to trade issues, most notably as regards several international trade agreements. At the instigation of the European Parliament, the documents which served as the basis for the conclusion of a free trade agreement with Colombia and Peru included, for the first time, a transparent and binding roadmap on improving compliance with human and workers' rights and environmental standards. This was further followed through by successfully insisting on reinforced monitoring and reporting requirements, especially as regards the sustainability chapters, in the accompanying bilateral safeguard regulations to the two agreements with Latin America (Colombia and Peru as well as with Central America) to which the European Parliament gave its consent.

Issues such as child labour and forced labour have also been crucial in the discussion of whether to approve the 2010 International Cocoa Agreement or the textile protocol of the EU-Uzbekistan Partnership and Cooperation Agreement, for which the European Parliament has withheld its consent due to concerns about the use of forced labour in cotton harvesting. For the first time, the European Parliament has also acted as a co-legislator on the new GSP regulation. Through the Generalised System of Preferences, developing countries pay lower duties on some or all of what they sell to the EU, in order to contribute to the growth of their economies. The GSP+ scheme gives further benefits to countries which are effectively implementing 27 important conventions in the field of labour, human, environmental and good governance rights and rules. The European Parliament supported the approach of having a more focused GSP, but with an increased role for the GSP+: more countries will now be able to join, and with more incentives to do so, as some restrictions to the preferences have been lifted.

### **The Arab Spring and human rights**

The European Parliament continued to follow closely the situation of human rights in the transformative changes taking place in the Arab world. The Subcommittee on Human Rights (DROI) organised a major hearing in April 2012 concerning justice in the Arab Spring countries. The human rights situation in the Middle East - North Africa region was a subject of discussion in several other DROI meetings as well, in particular the grave concern over human rights in the Syrian conflict.

In October 2012 a joint AFET and DROI meeting brought together the Laureates of the 2011 Sakharov Prize Asmaa Mahfouz (Egypt), Ahmed El-Senussi (Libya) and Ali Ferzat (Syria) to discuss the situation and the building-blocks for democracy in Egypt, Libya and Syria. In his statements during 2012, President Schulz drew attention to the human rights concerns in the region. Regarding Egypt, he emphasised the work of civil society organisations and freedom of expression as crucial preconditions for a successful democratic transition. Several statements made by the President on the situation in Syria emphasised the gravity of the situation and the importance of accountability for human rights violations.

### **DROI Delegation meets prisoners on death row during visit to Yemen**

During a DROI delegation visit to Yemen in May 2012, three MEPs had two days of meetings with a wide range of actors, including representatives from the Yemeni Government and Parliament, political parties, civil society and youth groups. In these meetings, the Delegation raised issues such as accountability for human rights violations during the uprising in 2011, the death penalty, women's rights and child marriage. The delegation also discussed the National Reconciliation and Transitional Justice law, at the time under preparation, with both the Minister for Human Rights and the Minister for Legal Affairs, as well as with the UN Secretary General's Special Adviser on Yemen, Jamal Benomar. The DROI delegation expressed its support for the EU's efforts to ensure the inclusiveness of the national dialogue process. In its Press Statement it stressed that transitional justice must also include provisions necessary for the achievement of truth and genuine reconciliation, as well as appropriate reparations for victims

The MEPs visited Sana'a Central Prison to meet with prisoners sentenced to death as juveniles. Subsequent to this visit, the delegation had a meeting with the President of the Supreme Judicial Council, enabling MEPs to follow up directly on the issue. The claim that no juveniles had been executed in Yemen was later refuted in the meeting with human rights NGOs.

### **DROI Delegation visits a refugee camp on the Syrian border**

As part of a DROI visit to Turkey in December 2012, the EP delegation visited KILIS refugee camp in the border region with Syria. The visit was timely due to the rapidly evolving refugee situation on both sides of the border and EU efforts to step up humanitarian aid. The two MEPs on the delegation held discussions concerning the situation of Syrian refugees with people in the KILIS camp as well as with representatives of Syrian citizens living outside the established camps. This, combined with talks with Turkish officials, gave the delegation a unique insight into the refugee situation and the challenges for Turkey and the international community.

## **DROI Delegation to Bahrain**

After several parliamentary resolutions dealing with Bahrain in 2011, the Subcommittee on Human Rights continued to follow closely the human rights situation in the country. In April 2012, the Subcommittee heard the testimony of the daughter of Abdulhadi al-Khawaja, who was at the time in a critical condition in a Bahraini prison. In December 2012, a DROI delegation, consisting of four MEPs, visited Bahrain. Meeting with interlocutors representing a broad spectrum of Bahraini society, including government officials, civil society organisations and victims of human rights violations, enabled the delegation to obtain an insight into the human rights situation in the country and to follow up on developments in the country since the start of the Arab Spring.

MEPs were able to visit Jau prison to meet with Abdulhadi al-Khawaja, Nabeel Rajab and Ibrahim Sharif, all three of whom are considered prisoners of conscience by international human rights organisations. The visit to Jau prison allowed MEPs to see from close-up the conditions of these men, two of them specifically mentioned in prior EP Resolutions. In meetings with Bahraini officials, including the Minister of Justice and parliamentarians, the delegation raised a number of human rights concerns. In particular, MEPs took the opportunity to discuss and support the implementation of the recommendations made by the Bahraini Independent Commission of Inquiry (BICI) and the UN Universal Periodic Review on the country.

## Corporate Social Responsibility

The EP took an active interest in Corporate Social Responsibility (CSR) in 2012. Regarding the external policy aspect of CSR, the Subcommittee on Human Rights drafted an opinion to two EP committee own-initiative reports that were adopted in response to the Commission Communication on a renewed CSR Strategy (adopted in plenary in February 2013). To feed into the drafting of these resolutions, various expert hearings were also organised in the Committees on Development and International Trade as well as in the Subcommittee on Human Rights to discuss the external aspects of CSR.

Recommendations included increased, more inclusive and more transparent monitoring of CSR principles in EU trade policy, with clear benchmarks set for measuring improvements, and a system of transnational legal cooperation to be set up between the EU and third-country signatories to bilateral trade agreements in order to ensure that victims of failures to honour CSR have effective access to justice in the country where the breach took place. EP committees also voiced support for the establishment of international judicial procedures to ensure, where necessary, that breaches of the law by companies are punished. They tasked the Commission with a host of actions including ensuring, in its dealings with third countries, adequate awareness and capacity building at the level of host country governments in order to make sure there was effective implementation of CSR rights, and providing EU assistance to third-country governments in implementing social and environmental regulation and effective inspection regimes.

## **Strong stand against discrimination**

Parliament's resolutions took a strong stand against discrimination. Its annual reports on human rights and democracy in the world in 2010 (adopted in April 2012) and 2011 (adopted in December 2012) firmly put on the EU's agenda the call to include in the political dialogue on human rights between the EU and third countries a more inclusive and comprehensive definition of non-discrimination, inter alia on the basis of religion or belief, sex, racial or ethnic origin, age, disability, sexual orientation and gender identity.

Several urgency resolutions voiced Parliament's concern over discrimination on the basis of ethnicity or religion. Persecution of Rohingya Muslims in Myanmar/Burma, discrimination against persons belonging to minorities in Iran, and against girls in Pakistan were all raised in Parliament's resolutions during 2012. The annual report adopted in December insisted on more proactive and effective actions in the fight against caste-based discrimination. A specific urgency resolution was adopted on the topic in December.

In the annual report Parliament condemns any intolerance, discrimination or violence on the grounds of religion or belief wherever and to whomever it occurs, whether directed at religious people, apostates and non-believers. The report also expresses profound concern about the increasing number of such acts in various countries, perpetrated against religious minority representatives. More specifically, Parliament urges the EU Special Representative on Human Rights, the Commission and the EEAS to address discriminatory and inflammatory content in, for example, the media, as well as obstacles to the free profession of faith in EU dialogues with third countries concerning human rights.

The annual reports referred to also stated Parliament's position regarding LGBTI rights. Violence against lesbians and LGBT rights in Africa was also the subject of a specific urgency resolution in July 2012. In December, Parliament's annual report called on the EU High Representative and the Special Representative for Human Rights to raise these concerns systematically, and supported the development of binding EU Guidelines in this area.

## **Sakharov Prize for Freedom of Thought**

The Sakharov Prize for Freedom of Thought honours exceptional individuals who combat intolerance, fanaticism and oppression to defend human rights and freedom of expression. It is named in honour of the Soviet physicist and political dissident Andrei Sakharov and has been awarded annually by the European Parliament since 1988 to individuals or organisations that have made an important contribution to the fight for human rights or democracy. In 2013, the European Parliament will celebrate the 25th anniversary of the Sakharov Prize.

The two laureates of the European Parliament's Sakharov Prize for Freedom of Thought in 2012 were the Iranian activists: lawyer Nasrin Sotoudeh and film director Jafar Panahi. Nasrin Sotoudeh is a prominent Iranian human rights lawyer who has defended opposition activists, women, prisoners of conscience and juveniles facing the death penalty. She was imprisoned in September 2010 on charges of "spreading propaganda" and conspiring to harm state security, and is serving a six-year sentence in Evin Prison in Teheran. She ended a critical 49-day hunger strike only after the Iranian authorities lifted a travel ban on her 12-year-old daughter

The works of internationally acclaimed film director Jafar Panahi have often highlighted the situation and hardships of women, children and the impoverished in Iran. In 2010, he was arrested and subsequently sentenced to a six-year prison term (which has not yet been implemented, but could be at any moment) and a 20-year ban on making films, leaving Iran and speaking with media. Despite this, he succeeded in having his film "This is Not a Film" smuggled out of the country in 2011.

Since Jafar Panahi and Nasrin Sotoudeh were not allowed to leave Iran to attend the prize ceremony due to take place in Strasbourg on 12 December 2012, the laureates were represented by Dr Shirin Ebadi, Nobel Peace Laureate in 2003, Mr Karim Lahidji, founder of the Iranian Association of Jurists, Ms Solmaz Panahi, daughter of Jafar Panahi, Mr Costa-Gavras, President of the Cinémathèque Française and Mr Serge Toubiana, Director General of the Cinémathèque Française.

"We, in the European Parliament, fully support our laureates' cry for justice and freedom in Iran and for respect for basic rights and freedoms, We are honouring these people who are standing up for a better Iran", said President Martin Schulz during the Sakharov Prize award ceremony and concluded by calling for the immediate release of Nasrin Sotoudeh.

The two shortlisted candidates in 2012 were the imprisoned Belarussian human rights activist, Ales Bialiatski, and the Russian punk band, Pussy Riot. The other nominations in 2012 were: Joseph Francis, founder and director of the Center for Legal Aid, Assistance and Settlement, which assists victims of Pakistan's blasphemy laws; and Victoire Ingabire Umuhoya, Déogratias Mushayidi, and Bernard Ntaganda, three imprisoned Rwandan opposition politicians.

The Sakharov Prize Network is an initiative by the European Parliament aimed at maintaining close contact with the former laureates for mutual benefit. In October 2012 President Martin Schulz, hosted the annual Sakharov Prize Network debate, entitled "Voices for Democracy: Citizenship in the Making" in the presence of the three 2011 laureates - Asmaa Mahfouz (Egypt), Ahmed El-Senussi (Libya) and Ali Ferzat (Syria). This was Mr Ferzat's first visit to the European Parliament as he had still been recovering from a severe beating by regime supporters in Damascus at the time of the Sakharov 2011 Award. He was warmly welcomed by MEPs, the EU Special Rapporteur on Human Rights, and civil society.

## **Human rights in inter-parliamentary activities**

The European Parliament also engages with parliaments worldwide through its inter-parliamentary co-operation and joint parliamentary assemblies. The inter-parliamentary delegations responsible for relations with third countries engage in a range of activities related to human rights, based on guidelines adopted in 2011. Human rights issues are often an integral part of missions to third countries: programmes tend to include meetings with the respective national human rights commissions and with NGOs and civil society organisations active in human rights. Human rights issues are also on the agenda at official meetings taking place in Brussels and Strasbourg.

Inter-parliamentary meetings can serve as an opportunity to follow up on Parliament's resolutions and reports. This was the case with regard to the discussions of the Parliamentary Cooperation Committee meeting with Azerbaijan in June 2012, following an urgency resolution adopted in May. Another example is the way Parliament's strong position on the death penalty was reflected in the meetings of the relevant EP delegations with their high-level interlocutors in Singapore and Japan. In similar vein, Parliament's reports concerning support for human rights defenders were followed up in the context of the EU-Mexico Joint Parliamentary Committee by signalling support for the legislative initiatives in Mexico which in 2012 led to laws on the protection of human rights defenders and journalists.

The inter-parliamentary visit to Pakistan in July 2012 raised the issue of Pakistan's eligibility for the GSP+ trade facility with both the host country's parliamentarians and the Government, and placed a specific emphasis on the human rights conditionality element. The EP delegation stressed the need to see human rights legal instruments (UN Conventions including the ICCPR and CAT) effectively applied, in order for the GSP+ to become a real possibility.

Parliament's inter-parliamentary delegations also place a particular focus on the Sakharov Prize laureates. In 2012, perhaps most prominently, the EP Delegation for South East Asia & ASEAN was able to meet with the Sakharov Prize laureate and opposition leader Aung San Suu Kyi during its visit to Myanmar/Burma in February 2012.

The joint parliamentary assemblies bring together MEPs and MPs from third countries to discuss common challenges, including human rights and democracy issues. Established joint parliamentary assemblies include the ACP-EU Joint Parliamentary Assembly, the Parliamentary Assembly of the Union for the Mediterranean, the Euro-Latin American Parliamentary Assembly and the Euronest Parliamentary Assembly.

In April 2012, the Euronest Parliamentary Assembly (PA) adopted two relevant resolutions on challenges for the future of democracy and on the resolution on the situation of Yulia Timoshenko. The Euronest PA's Committee on Political Affairs, Human Rights and Democracy followed this up with extensive discussions on the matters covered in the resolutions, including democratisation processes, elections, media freedom and the role of civil society.

The ACP-EU Joint Parliamentary Assembly adopted several resolutions in 2012 on different topics mainstreaming the human rights dimension, and in certain cases focussing on violations perpetrated in ACP countries. In particular, the Assembly raised human rights violations in Libya, Somalia, Mali and in the East of the Democratic Republic of Congo. The Assembly also analysed the social and environmental impact of mining in the ACP countries with reference to the human rights of workers and people living in the mining regions, and took the position that "access to adequate food is a universal human right". The situation of Isaac David and other political prisoners in Eritrea, as well as the case of Eskinder Nega, a prominent Ethiopian journalist, were raised in the Bureau of the Assembly.

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As a whole these activities manifest Parliament's commitment to contribute constructively to the task of achieving human rights mainstreaming in EU external relations as defined in the basic treaties of the European Union. It will be a common challenge to all EU Institutions to use the newly created institutional arrangements and policy tools to further enhance EU policy effectiveness in this area.

## Parliamentary Reports on human rights and democracy

- The situation of women in North Africa, 12 March 2012
- Human rights in the world and the European Union's policy on the matter including implications for the EU's strategic human rights policy, 18 April 2012
- Alleged transportation and illegal detention of prisoners in European countries by the CIA, 11 September 2012
- A digital freedom strategy in EU foreign policy, 11 December 2012
- EU's human rights strategy. European Parliament resolution on the review of the EU's human rights strategy, 13 December 2012
- Annual report on human rights and democracy in the world 2011 and the European Union's policy on the matter, 13 December 2012

## **Resolutions on breaches of human rights, democracy and the rule of law (urgency resolutions)**

- Death penalty in Belarus, in particular the cases of Dzmitry Kanavalau and Uladzislau Kavalyou, February 2012
- Egypt: recent developments, February 2012
- Death penalty in Japan, February 2012
- Human trafficking in Sinai, in particular the case of Solomon W., March 2012
- Palestine: raids by Israeli forces on Palestinian TV stations, March 2012
- Human rights violations in Bahrain, March 2012
- Venezuela: possible withdrawal from the Inter-American Commission on Human Rights, May 2012
- Human rights situation in Azerbaijan, May 2012
- Situation of North Korean refugees, May 2012
- Human rights and the security situation in the Sahel region, June 2012
- Cases of impunity in the Philippines, June 2012
- Situation of ethnic minorities in Iran, June 2012
- Violence against lesbians and LGBT rights in Africa, July 2012
- Freedom of expression in Belarus, in particular the case of Andrzej Poczobut, July 2012
- Forced abortion scandal in China, July 2012
- South Africa: massacre of striking miners, September 2012
- Persecution of Rohingya Muslims in Burma, September 2012
- Azerbaijan: the case of Ramil Safarov, September 2012
- Human rights situation in the United Arab Emirates, October 2012
- Discrimination against girls in Pakistan, in particular the case of Malala Yousafzai, October 2012
- Situation in Cambodia, October 2012
- Human rights situation in Iran, particularly mass executions and the recent death of the blogger Sattar Beheshti, November 2012
- Situation in Burma, particularly the continuing violence in Rakhine State, November 2012
- Situation of migrants in Libya, November 2012
- Situation in the Democratic Republic of the Congo, December 2012
- Caste discrimination in India, December 2012

## Other resolutions on human rights and democracy

- European Parliament's position on the 19th Session of the UN Human Rights Council, 16 February 2012
- Recommendation to the Council on the modalities for the possible establishment of a European Endowment for Democracy, 29 March 2012
- European Parliament recommendation to the Council of on the EU Special Representative for Human Rights, 13 June 2012
- Situation in Syria, 16 February 2012
- Situation in Ukraine, case of Yulia Timoshenko, 24 May 2012
- Women's situation in war, 18 April 2012
- Situation in Burma/Myanmar, 20 April 2012
- Female genital mutilation, 14 June 2012
- Follow-up of the elections in the Democratic Republic of Congo, 18 June 2012
- Political use of justice in Russia, 13 September 2012
- Situation in Syria, 13 September 2012
- Elections in Belarus, 26 October 2012
- Elections in Georgia, 26 October 2012
- Situation in Ukraine, 13 December 2012

## **Delegations of the Subcommittee on Human Rights**

- Geneva/UN Human Rights Council, 5-7 March 2012
- Yemen, 1-4 May
- New York/UN General Assembly (joint with Committee on Foreign Affairs), 28-31 October
- Bahrain, 18-21 December
- Turkey (including Syrian border), 19-21 December

## **Hearings in the Subcommittee on Human Rights**

- Inter-American Human Rights Mechanism
- Human Rights in Russia, focusing on discrimination, freedom of association and the rule of law
- Secret rendition and detention practices. How to protect Human Rights while countering terrorism?
- Justice in the Arab Spring Countries. Accountability for human rights violations, transitional justice, and judicial reform
- Human Rights in China
- The Impact of the Financial and Economic Crisis on Human Rights
- Human Rights and Climate Change
- Business and human rights: promoting society's interests and accountable, transparent and responsible business behaviour
- Human Rights in Iran
- Human Rights Situation in Mali

## **ANNEX I - HIGH-LEVEL MEETING ON THE RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVELS – EU PLEDGES**

The rule of law belongs to the fundamental principles on which the European Union is founded. The European Union strives to strengthen the rule of law in its Member States and promote of the rule of law in the third countries. Therefore, the European Union and its Member States (Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland) hereby pledge:

### **A. Strengthening the rule of law at the international level**

1. The EU Member States reiterate their pledges made at the 31<sup>st</sup> Conference of the Red Cross and Red Crescent (Geneva, 28 November – 1 December 2011) to consider ratification of the 2006 Convention for the Protection of All Persons from Enforced Disappearance and the principal international humanitarian law instruments and other relevant legal instruments which have an impact on international humanitarian law to which they are not yet all party, namely:
  - Additional Protocol III to the Geneva Conventions;
  - The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its First and Second Protocols;
  - The Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict;
  - The Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines;
  - Protocol II, as amended on 3 May 1996, and Protocol V to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects;
  - The Convention on the prohibition of military use of environmental modification techniques.

2. The EU Member States which have not yet done so will consider ratifying or acceding to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

3. The EU Member States which have not yet done so will consider accepting the right of individual complaint under the UN Convention against Torture, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the UN Convention on the Rights of Persons with Disabilities.

4. The EU Member States which have not yet done so pledge to address the issue of statelessness by ratifying the 1954 UN Convention relating to the Status of Stateless Persons and by considering the ratification of the 1961 UN Convention on the Reduction of Statelessness.

## **B. Strengthening the rule of law at the national level**

### **1. Improving delivery of justice**

5. The EU will conduct a worldwide campaign on justice, focusing on the right to a fair trial, with a view to achieving results by 2014.

6. As demonstrated in the EU Strategic Framework and Action Plan of 25 June 2012 covering the period until 31 December 2014, the EU and its Member States seek to be exemplary in ensuring respect for human rights within their respective competency areas, as well as seeking to promote human rights and the Rule of Law worldwide. With a view to ensuring full coherence and consistency between the EU's internal and external human rights policies, the EU and its Member States are committed to raising recommendations of the Human Rights Council's Universal Periodic Review which have been accepted, as well as observations and comments of treaty monitoring bodies and UN Special Procedures, in their relations with all third countries; the EU Member States are equally determined to implement or consider seriously such recommendations, observations and comments within their own borders.

7. By 2014, the EU will develop specific actions to improve access to justice, to strengthen judicial cooperation, to ensure the free circulation of judicial decisions within the EU and to enhance legal certainty. The EU will fast-track growth enhancing measures which aim at removing barriers to cross border trade, cutting unnecessary administrative burden and bringing business the legal certainty they need.

## **2. Supporting peace and security in conflict and post-conflict situations**

8. The EU will develop a policy on transitional justice, so as to help societies to deal with abuses of the past and to fight impunity, covering issues such as truth and reconciliation commissions, reparations and the criminal justice system, ensuring that such policy allows for tailored approaches to specific circumstances, by 2014.

9. The EU will enhance its support to the UN engagement in conflict and post-conflict situations in the rule of law area, in particular it will:
- define a list of civilian capacities, including rule of law capacities, the EU Member States can potentially put at UN disposal for peacekeeping operations by the end of 2012;
  - provide political support for operation of a "One UN approach" to rule of law assistance at the country level;
  - create a policy framework on EU providing a component to a UN peacekeeping operation and establish modalities for coordination between the EU and UN during planning and conduct of EU civilian missions deployed in support of UN operations by 2013;
  - strengthen the EU-UN coordination on assistance to the African Union and other regional organizations in respect of peacekeeping operations by 2013;
  - establish technical arrangements on cooperation in training and in the area of Lessons Learned, including rule of law missions, by 2013;
  - develop a General Framework between the EU and the UN on operational aspects of cooperation in peacekeeping/crisis management by 2014.

### **3. Fostering an enabling environment for sustainable human development**

#### **3.1 Fighting corruption**

10. Starting in 2013, the European Commission will publish every two years the EU Anti-Corruption Report, accompanied by country analyses for each Member State including tailor-made recommendations. It will also facilitate the exchange of best practices, identify trends and stimulate peer learning among Member States. The report will make use of all available sources, including the existing monitoring mechanisms (GRECO in the Council of Europe, OECD, UNCAC) independent experts and researchers, stakeholders and civil society. At the same time, it will ensure that the existing gaps of the international and European monitoring tools are being addressed and will allow the EU meet its legal obligation of self-assessment as a party to the UN Convention against Corruption.

## **3.2 Birth registration and civic records**

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| 11. The EU will develop a framework for raising issues of statelessness with third countries by 2014. |
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## **C. Strengthening the nexus between the national and international levels**

### **The International Criminal Court**

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| 12. The European Union and its Member States refer to the pledges concerning the International Criminal Court made at the Review conference of the Rome Statute of the International Criminal Court (Kampala, 31 May – 11 June 2010) and at the 31 <sup>st</sup> International Conference of the Red Cross and Red Crescent (Geneva, 28 November – 1 December 2011) and they pledge to promote the greatest possible participation in and implementation of the Rome Statute of the International Criminal Court, the development and maintenance of an effective court and the realization of the principle of complementarity. To these ends, the EU and its Member States will particularly emphasize the ratification and acceptance of the Statute in negotiations and political dialogues with third countries, regional organisations and other regional groups, include provisions concerning the ICC and the international justice into EU agreements with third countries, promote dissemination of the values expressed in the Statute and cooperation with other states, international organizations and representatives of civil society. The EU and its Member States will facilitate technical assistance to interested states by supporting legislative work for the accession to the Statute, supporting their participation in the ICC and their access to the instruments of the ICC. |
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## **2. Addressing transnational threats**

### **2.1 Counter-terrorism**

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| 13. The EU pursues a civilian approach addressing counter-terrorism globally on the basis of criminal justice and the rule of law while protecting human rights. The EU promotes confidence building through regular counter-terrorism and security political dialogues and assists countries in need in their efforts via capacity building measures. |
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In the field of prevention and fight against terrorism, the EU will continue to support an overall rule of law approach, the development of effective institutional and legal frameworks, national and regional counter-terrorism strategies and to strengthen the capacities of law enforcement and judicial institutions in partner countries in the Sahel, Horn of Africa and South Asia, including Pakistan. Furthermore, the EU will continue its effort in promoting the UN conventions and resolutions related to terrorism, in particular the UN Global Counter-Terrorism Strategy, and will engage actively in multilateral initiatives, such as the Global Counter-Terrorism Forum.

The EU pledges to increase its support for counter-terrorism capacity building measures, and by 2014, to support the enhancement of partner countries' capacity to:

- promote the criminal justice systems based on the full respect for rule of law and human rights;
- ratify and implement all the UN conventions on terrorism;
- support resolutions related to terrorism, especially the UN Global Counter-Terrorism Strategy with all the overall approach it embodies;
- exchange information, also at regional and international levels;
- anticipate a terrorist act;
- formulate appropriate response measures;
- conduct policies on countering violent extremism;
- conduct investigation and prosecution of terrorist cases based on the full respect for rule of law and human rights, while enhancing inter-agency and regional collaboration.

14. The EU also pledges to implement measures on countering violent extremism, as well as on countering terrorist finance and illicit financial flows by promoting anti-money laundering framework, especially FATF recommendations, by 2014.

15. By 2014, the EU will develop operational guidance to ensure the consideration of human rights, and where applicable international humanitarian law, in the planning and implementation of counter-terrorism assistance projects with third countries, in particular as regards the respect of due process requirements (presumption of innocence, fair trial, rights of the defence).

## 2.2 Organised crime

16. The EU pledges to fight against the manufacture of drugs and its trafficking by assisting partner countries in their efforts against this scourge.

By 2015, the EU pledges to support partner countries mainly by providing training and capacity building to allow local law enforcement, judicial and prosecuting authorities to:

- ratify and implement international conventions, in particular the UN conventions on drugs, the UN Convention against Transnational Organised Crime and its protocols;
- adopt an intelligence-led approach to countering drug trafficking and other forms of trafficking (human beings, small arms, etc.);
- carry out complex investigations at regional and trans-regional levels;
- improve the collection and analysis of data related to drug trafficking;
- improve information sharing and exchange also through the establishment of adequate databases and communication networks;
- develop inter-agency cooperation;
- strengthen existing capacities and procedures in asset laundering investigation and confiscation;
- increase regional and international cooperation.

17. With particular reference to small arms, the EU pledges to continue countering illicit transnational trafficking in firearms by strengthening the international normative framework. To this end, it will promote the ratification and implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, in third countries.

18. By 2014, the EU pledges to support the creation of an international database as a tool to register, trace and track stolen and lost firearms and to identify related trafficking routes. This will allow countries to have access to, insert, update and query a centralized international database for lost and stolen firearms.

## 2.3 Maritime piracy

19. The EU pledges to support efforts to counter piracy and armed robbery at sea by paying particular attention to two of the most concerned regions in the world, namely the Horn of Africa and the Gulf of Guinea.

By 2015 (and beyond), the EU pledges to support partner countries by providing training and capacity building to allow local law enforcement, judicial and prosecuting authorities to:

- better respond to piracy and armed robbery attacks;
- improve information sharing and exchange at the regional level with a view to ultimately enhancing regional maritime domain awareness;
- conduct effective investigation and prosecution of piracy cases and related financial crime, with a special focus on the high level suspects;
- set-up and train a land-based coastal police force (in Somalia).

## **2.4 Trafficking in human beings**

20. EU Member States will establish national referral mechanisms to better identify, refer, protect and assist victims of trafficking by the end of 2012. By 2015 the European Commission will develop a model for an EU Transnational Referral Mechanism which links national referral mechanisms to better identify, refer, protect and assist victims.

21. The EU will fund in 2012 a pilot project to strengthen regional cooperation on trafficking in human beings along routes from the East to the EU. In addition, under the Heroin Route programme, the EU will improve the collection and sharing of harmonized data on the actual numbers of people trafficked and improve the Criminal Justice Response on the trafficking in human beings cases.

## **3. Empowering women and children**

22. By 2015, 80% of the EU Delegations will introduce specific measures on the role of external assistance and development co-operation in their local strategies for the implementation of the EU Guidelines on Violence against Women and Girls and Combating All Forms of Discrimination against them. The EU thematic programmes and instruments will support non-state actors to implement the EU Guidelines on Violence against Women and Girls and Combating All Forms of Discrimination against them.

## **4. Accession and association process**

23. The EU will intensify its rule of law dialogue with countries of the Western Balkans, with the aim to strengthen preparations at earlier stages of the accession process. For Bosnia and Herzegovina a structured dialogue on justice was launched in 2011, a structured dialogue on the rule of law with Kosovo was launched on 30 May 2012. The EU will continue to support the rule of law projects in countries of the Western Balkans.

## **5. European Neighbourhood Policy**

24. The rule of law is one of the key priorities of the European Neighbourhood Policy.

- As regards the Eastern neighbourhood of the EU, the Roadmap to the 2013 Eastern Partnership Summit includes several measures in the area of the rule of law, notably improved functioning of the judiciary, cooperation among law enforcement agencies, fight against corruption and fight against cybercrime.

- In the South Mediterranean, the EU is stepping up its technical and financial support for the rule of law, overseen by an efficient, impartial and independent judiciary, with guarantees for equal access to justice and respect for due process and fair trial standards, as well as reform of the security sector for sustainable democratisation.

- The EU pledges to share with its neighbours the lessons learned and the best practices of its Member States which initiated processes of democratic transition and of building of the rule of law before they joined the EU.

## **6. Central Asia**

25. The EU will further intensify the Rule of Law Initiative for Central Asia, notably it will promote independent judiciaries, increased institutional capacities and modernising professional qualifications including through contributing to the implementation of the Council of Europe Neighbourhood Policy for Central Asia in these areas as well as modernisation of penal systems, with a special focus on the eradication of torture. The EU is ready to support the accession of Central Asian countries to the Group of States against Corruption (GRECO) of the Council of Europe and assist Central Asian efforts to accede to and to implement international anti-corruption and human rights conventions. The EU is also ready to strengthen counter-terrorism co-operation, including for follow-up to the agreed Joint Plan of Action for the implementation of the United Nations Global Counter-Terrorism Strategy in Central Asia.

## ANNEX II – TABLE OF ABBREVIATIONS

AAP	Annual Action Programme
ACP	African, Caribbean and Pacific Group of States
AFCO	Committee on Constitutional Affairs
AFET	Committee on Foreign Affairs
ASEAN	Association of Southeast Asian Nations
ASEM	Asia Europe Meeting
AU	African Union
BICI	Bahraini Independent Commission of Inquiry
BSSC	Budget Support Steering Committee
CAAC	Children in Armed Conflict
CELAC	Latin America and Caribbean
CFSP	Common Foreign and Security Policy
CIA	Central Intelligence Agency
CiO	Chairmanship in Office
CoE	Council of Europe
COHOM	Council working party on human rights
COREPER	Committee of Permanent Representatives
CRPD	Convention on the Rights of Persons with Disabilities
CSDP	Common Security and Defence Policy
CSO	Civil Society Organisation
CSR	Corporate Social Responsibility
CSW	Commission on the Status of Women
CTC	Counter-Terrorism Coordinator
DCI	Development Cooperation Instrument
DEG	Democracy Support and Election Coordination Group
DEVCO	EU Commission Directorate General for Development and Cooperation
DEVE	Committee on Development
DPRK	Democratic People's Republic of Korea
DROI	Subcommittee for Human Rights
DVB	Democratic Voice of Burma
EAT	Electoral Assessment Team

EC	European Commission
ECG	Election Coordination Group
ECOWAS	Economic Community of West African States
EDF	European Development Fund
EEAS	European External Action Service
EED	European Endowment for Democracy
EEM	Electoral Expert Mission
EIB	European Investment Bank
EIDHR	European Instrument for Democracy and Human Rights
EIUC	European Inter-University Centre for Human Rights and Democratisation
EMB	Electoral Management Body
EMPL	European Parliament Committee on Employment and Social Affairs
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood and Partnership Instrument
EOM	Election Observation Mission
EP	European Parliament
ESC	Economic, social and cultural (rights)
ESCR	Economic, social and cultural rights
ESDC	European Security and Defence College
ESG	Environmental, social and governance
EU	European Union
EUMS	European Union Member States
EUNIC	European Union National Institutes for Culture
EURONEST	Euronest Parliamentary Assembly (Eastern Partnership)
EUSR	European Union Special Representative
EUTM	European Union Training Mission
FEMM	Committee on Women's Rights and Gender Equality
FFM	Fact-Finding Mission
FoRB	Freedom of Religion or Belief
FREMP	Council Working Party on Fundamental Rights, Citizens' Rights and Free Movement of Persons within the EU
FSJ	Freedom, security and justice
FTA	Free Trade Agreement

FYROM	former Yugoslav Republic of Macedonia
GAMM	Global Approach to Migration and Mobility
GCTF	Global Counter-Terrorism Forum
GGDC	Good Governance and Development Contracts
GRI	Global Reporting Initiative
GRULAC	Latin American and Caribbean Group
GSP	Generalised Scheme of Preferences
HDIM	Human Dimension Implementation Meeting
HQ	Headquarters
HR	human rights
HR/VP	High representative / Vice-president
HRC	Human Rights Council
HRD	Human rights defender
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICRC	International Committee of the Red Cross
ICT	Information and communications technology
IDP	Internally Displaced People
IEOM	International Election Observation Missions
IHL	International humanitarian law
ILO	International Labour Organisation
INTA	Committee on International Trade
JURI	Committee on Legal Affairs
LAS	League of Arab States
LGBT	Lesbian, Gay, Bisexual and Transgender
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
LIBE	Committee on Civil Liberties, Justice and Home Affairs
MEP	Member of Parliament
MoU	Memorandum of Understanding
MS	Member States
NDAA	National Defense Authorization Act
NEEDS	Network for Enhanced Electoral and Democratic Support

NGO	Non-governmental organizations
NHRI	National Human Rights Institute
OAS	Organization of American States,
ODIHR	Office for Democratic Institutions and Human Rights
OHCHR	Office of the United Nations High Commissioner for Human Rights
OIC	Organisation of Islamic Co-operation
OPPD	Office for Promotion of Parliamentary Democracy
OSCE	Organisation for Security and Cooperation in Europe
PA	Parliamentary Assembly
PCA	Partnership and Cooperation Agreement
PIF	Pacific Island Forum
PMSC	Private military and security companies
PSC	Political and Security Committee
REM	Results Measurement Framework
SDH	Brazilian Human Rights Secretariat
SIA	Sustainable Impact Assessments
TEU	Treaty on European Union
TFEU	Treaty on the functioning of the European Union
U.S.	United States of America
UK	United Kingdom
UN CAT	United Nations Committee against torture
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNGA	United Nations General Assembly
UNHRC	United Nations Human Rights Council
UNICEF	United Nations Children's Fund
UNSCR	United Nations Security Council Resolution