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Delegations receive in the Annex the Human Rights and Democracy in the world: report on EU action in 2011.

**HUMAN RIGHTS AND DEMOCRACY IN THE WORLD:  
REPORT IN EU ACTION IN 2011**

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## Preface

2011 was a momentous year for human rights and democracy. Throughout the Middle East and North Africa, men and women, young and old, representing the whole of society, showed their courage in asserting their innate human dignity. In doing so they provided an inspiration to people everywhere.

The changes that they brought about required a substantial response from the EU. We rose to that challenge by developing a new response to a changing neighbourhood. Human rights and deep democracy have been at the heart of that approach.

Last year I spoke of my commitment to strengthening the work of the EU, to make it even more effective in safeguarding and promoting human rights. It was to set out a coherent vision for that work that I presented a Joint Communication with the European Commission in December 2011 on 'Human rights and democracy at the heart of EU external action'.

The next steps, in 2012, will be to put the recommendations from that Communication into practice. This will require the concerted efforts of the EU as a whole: not only the EU Institutions, but also EU Member States and civil society.

This is a great challenge, and one that will be reflected in the next edition of this annual report. For now though, it is good to take stock of all the hard work done by the EU in 2011 to make rights a reality. I pay tribute to those courageous individuals who have helped contribute to this vital process.

## 1. OVERVIEW

In 2011 the EU confirmed, both in word and in deed that human rights are at the centre of EU action around the globe. The commitment of the EEAS during its first full year of operation was reflected in its work throughout the year on a Joint Communication from the High Representative and the European Commission, adopted on 12 December, entitled "Human rights and democracy at the heart of EU external action - towards a more effective approach". This set out a number of ideas for carrying forward EU strategy in this field.

The **Arab spring** represented a landmark in the first year of the EEAS. A joint communication on 8 March 2011, by High Representative Ashton and the European Commission, stressed the need to support the demand for political participation, dignity, freedom and employment opportunities, and sets out an approach based on the respect of universal values and shared interests.

Civil society was instrumental in bringing about the changes of the Arab spring, in a general context of shrinking space for civil societies in many countries. The EU was quick to speak out on the problems faced by civil society organisations and called on all states to respect **freedom of association** and **freedom of assembly**, and to adopt legislation consistent with international standards. Support for civil society was stepped up, particularly through the European Instrument for Democracy and Human Rights.



The Arab spring also showed the importance of social networks and the internet for promoting reform and advocacy of human rights. The EU has repeatedly condemned restrictions on **freedom of expression and access to the internet**, as well as the arrest of bloggers, in the framework of its bilateral relations with third countries as well as in multilateral forums. The EU is committed to ensuring that the internet remains a driver of political freedom. Therefore, in December 2011, it launched the "No Disconnect Strategy" to develop tools to allow the EU, in appropriate cases, to assist civil society organisations or individual citizens to circumvent arbitrary disruptions to access to electronic communications technologies, including the internet.

In 2011, the EU responded firmly to the increasing number of acts of **religious intolerance and discrimination** across the world. The February Foreign Affairs Council adopted conclusions reiterating the EU's serious concern about and condemnation of any intolerance, discrimination or violence. Key messages on freedom of religion or belief (FORB) were sent to EU Delegations in February 2011 with the mandate to monitor the situation in their host countries closely, in coordination with EU Member States' Embassies. The EU annual human rights report released in September 2011 addressed FORB in depth. The EU worked hard at the UN to consolidate the consensus on the need to fight religious intolerance and protect freedom of religion or belief, whilst avoiding concepts that aim at protecting religions as such – instead of persons discriminated against because of their religion or belief – to the detriment of other core human rights, such as freedom of expression. 2011 saw good progress in this respect with consensus reached for the first time in Geneva and New York on resolutions on FORB and the fight against religious intolerance respectively tabled by the EU and the Organisation of Islamic Cooperation.

The Member States of the European Union that are members of the Human Rights Council also voted in favour of - and the vote was agreed by the European Union as a whole - the groundbreaking Resolution on Human rights, sexual orientation and gender identity that was adopted at the UN Human Rights Council on 17 June. On 27 September, High Representative Ashton gave a speech in the Plenary of the European Parliament, presenting the work done by the EU and Member States to safeguard the human rights of LGBTI people in the world, and stating that “We cannot allow discrimination over sexuality and gender, any more than we can over colour and creed.

The EU continued to play a prominent role in the **UN human rights system** in 2011. On 23 February 2011, the EU was instrumental in convening a UN Human Rights Council (HRC) Special Session on **Libya**, where the historic recommendation of Libya's suspension from the HRC was made. The EU raised the human rights situation in **Syria** in the UN Human Rights Council and in the Third Committee of the UN General Assembly several times during 2011, building an alliance of countries from all regions, including the Arab world. The EU's role was instrumental in establishing the Independent Commission of Inquiry on the human rights situation in Syria.

In June 2011, the EU secured the adoption of an HRC resolution on the human rights situation in **Belarus**. The EU also continued to promote resolutions on **Burma/Myanmar** and the **DPRK**, both in the Human Rights Council and in the General Assembly.

In March 2011, fifteen EU Member States were part of the group which prepared the statement on "ending acts of violence and other human rights violations based on sexual orientation and gender identity", agreed by 85 countries at the UN Human Rights Council. The EU also welcomed the landmark resolution on **human rights, sexual orientation and gender identity**, supported by states from all regions and authored by South Africa, adopted by the Human Rights Council in June 2011.

In cooperation with the group of Latin American countries, the EU succeeded in prolonging the mandate of the UN Secretary General's Special Representative on **children and armed conflict** at the UN General Assembly. The EU also updated the list of priority countries for the implementation of the EU Guidelines on children and armed conflict in accordance with the UN list.

The EU strongly supported the endorsement of the UN Guiding Principles on **Business and Human Rights** by the Human Rights Council in June 2011. The UN Guiding Principles were also incorporated into the EU's own policy framework on Corporate Social Responsibility. The Communication "A renewed EU strategy for CSR" and the Communication "Human Rights and Democracy at the Heart of EU External Action" of 2011 recognise the UN Guiding Principles as a set of international standards on business and human rights that all European companies should respect. Both documents also propose concrete actions for implementing the UN Guiding Principles.

The EU has a strong tradition of supporting the **fight against impunity** for the most serious crimes of concern to the international community as a whole. As pledged at the Kampala Review Conference, the EU updated its Common Position 2003/444/CFSP by Council Decision 2011/168/CFSP, adopted on 21 March 2011. The objective of the new Council Decision is to advance universal support for the Rome Statute by promoting the widest possible participation in it, to preserve the integrity of the Statute, to support the independence of the Court and its effective and efficient functioning, to support cooperation with the Court and to support the implementation of the principle of complementarity.

In autumn 2011, the EU launched a review of its **Guidelines on Promotion and Protection of the rights of the child** to adapt them to new international developments as well as to locally driven definitions of human rights priorities. In winter 2011, the EU launched a thematic lobby campaign (démarche) in support of the UN global campaign on the ratification of the two Optional Protocols to the Convention on the Rights of the Child. The EU will continue to promote the ratification of those instruments, as well as ILO Convention 182 on the worst forms of child labour, at local level, through political dialogue and other awareness raising activities, until June 2012.

Showing continuous support for the abolition of the **death penalty**, High Representative Ashton, on behalf of the EU, welcomed the abolition of the death penalty in the US State of Illinois, in March 2011. A de facto moratorium was introduced in the US State of Oregon in November 2011, which was marked by a statement by High Representative Ashton.

In 2011, internal progress was made in the light of the EU's commitment towards the situation of **women in relation to peace and security**. The "Report on the EU indicators for the Comprehensive Approach to the EU implementation of the UN Security Council UNSCRs 1325 & 1820 on Women, Peace and Security" was adopted by the Council on 13 May 2011. It shows that the EU has taken concrete steps to enhance protection mechanisms for vulnerable groups, such as women and children, and provides a tool to track EU activity in this field, while also increasing accountability in the light of prior commitments. The next report is due in 2013.

The European Union seeks to insert a **human rights clause** in all political framework agreements, such as Association Agreements and Partnership and Cooperation Agreements, concluded with third countries. The human rights clause provides that human rights as set out in the Universal Declaration of Human Rights inspire the internal and external policies of the parties and constitute an essential element of the agreement. However, no new agreements containing a human rights clause were signed or came into force in 2011. Bilaterally, the EU held over 40 bilateral **human rights dialogues** with third countries thus providing many opportunities to address the EU's specific human rights concerns effectively.

The EU launched the development of **human rights country strategies** for almost 160 countries worldwide, 130 being developed in 2011. The key objectives pursued through this approach are: to obtain a better and more comprehensive understanding of the key human rights challenges in partner countries; to focus EU action on key priorities in partner countries, both in policy terms and financial assistance terms, so that we can better tailor our approach to country situations and therefore be more effective, as requested by the High Representative; to facilitate and streamline relevant activities by Member States and EU diplomatic missions in the field; and to contribute in a more comprehensive and pertinent manner to the various country and regional strategies.

On 8 and 9 December 2011, the EEAS, in close cooperation with NGO partners, held the 13th Annual **EU NGO Human Rights Forum** with two themes: *Boosting the implementation of the EU guidelines on International Humanitarian Law*; and *the EU Human Rights Review and new Multi-Annual Financial Framework - from recommendations to action*. The Forum represented an opportunity for NGOs to present their experiences from the field, to voice their views on EU policies and to make recommendations to the EU on how implementation could be improved. The results of the Forum will be carefully considered by the EEAS and Council working parties.

In response to worrying human rights developments in **Belarus** in the aftermath of the December 2010 presidential elections, the EU mobilised the international community to respond resolutely to human rights violations. In June 2011, under the leadership of the European Union, the Human Rights Council adopted a resolution which tasked the High Commissioner for Human Rights with reporting, within a year, on human rights developments in Belarus and formulating recommendations for further action. In the meantime, the EU took a number of bilateral measures which considerably increased assistance to human rights defenders and civil society and at the same time exerted increasing pressure on the regime to respect human rights and to release all political prisoners.

The joint European Neighbourhood Policy Communication "A New Response to a Changing Neighbourhood" adopted on 25 May 2011, included a proposal to create a **European Endowment for Democracy (EED)**, which was later welcomed by Foreign Affairs Council. The objective is to set up EED as an autonomous body with legal personality under the law of one Member State. EED would have an initial, although not exclusive, focus on the European Neighbourhood and it would be a new means to facilitate European support to political actors in democratic transitions or in peaceful struggle for democracy.

In 2011, the EU deployed 10 **Electoral Observation Missions** (EOMs). Five EU EOMs accompanied and gave additional credibility to major changes (regime change in Tunisia, creation of a new country in South Sudan, transition from a military regime to a civilian regime in Niger, long-awaited shift to the political opposition in Peru and Zambia), three EOMs accompanied a relatively smooth re-election of incumbent authorities (Nigeria, Chad and Uganda), while two EOMs were led in very challenging electoral contexts (Nicaragua and the DRC). The EU also deployed Election Expert Missions (EEM) to Benin, Liberia, Côte d'Ivoire, Morocco, Guatemala, Thailand, the Central African Republic, and Gambia. The European Parliament deployed its own delegations along all EU EOMs, adding visibility and underlining the political commitment of the EU.

Believing that private **military and security companies** (PMSCs) should be held accountable for possible human rights violations whenever they conduct their operations, the EU engaged constructively in the first session of the UN Working Group of the Human Rights Council on a possible international regulatory framework for PMSCs in May 2011. The EU stressed the need, as the first stage, to review existing initiatives and actual gaps in terms of accountability for human rights and international humanitarian law violations.

## **2. EU INSTRUMENTS AND INITIATIVES IN NON-EU COUNTRIES**

### **INTRODUCTION**

#### **2.1. EU guidelines on human rights and International Humanitarian Law (IHL)**

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

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

- Death penalty (first adopted in 1998)
- Torture and other cruel, inhuman or degrading treatment or punishment (first adopted in 2001)
- Human Rights dialogues (first adopted in 2001)
- Children and armed conflict (CAAC) (first adopted in 2003)
- Human Rights Defenders (first adopted in 2004)
- Promotion and Protection of the Rights of the Child (first adopted in 2007)
- Violence against women and girls and combating all forms of discrimination against them (first adopted in 2008)
- Promoting compliance with International Humanitarian Law (first adopted in 2005)



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

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

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

In 2011 the EU developed its dedicated political dialogues on human rights with an increasing number of partners. A new human rights dialogue was established with Algeria in 2011 as part of the European Neighbourhood Policy. Steps were also taken to formalise a human rights dialogue with South Africa and initial contacts were made with the Republic of Korea to establish regular human rights consultations.

Formal human rights dialogues or Sub Committees took place with the following partners in 2011: African Union, Algeria, Argentina, Armenia, Brazil, Belarus, Cambodia, Chile, China, Colombia, Georgia, India, Indonesia, Jordan, Kazakhstan, Kyrgyzstan, Laos, Lebanon, Mexico, Republic of Moldova, Morocco, Palestinian Authority, Pakistan, Tajikistan, Turkmenistan, and Vietnam. Consultations on human rights issues took place with Canada, Israel, Japan, New Zealand, Russia, the US and candidate countries (Croatia, Iceland, Turkey, and the FYROM).

Sessions of the established human rights dialogues with Egypt, Sri Lanka and Tunisia could not take place in 2011. The annual session with Pakistan was postponed to early 2012. The human rights dialogue with Iran has been suspended since 2006.

As part of the review of the EU human rights policy, best practices were identified in 2011 across these various dialogues in order to increase their impact, in three ways: first, in better embedding them in the overall relation to the third country concerned, up to summits; second, in ensuring a close link with other human rights policy instruments, particularly the new human rights country strategies; third, in focusing attention on the follow-up to the dialogues through concrete action plans, legislative reforms and projects which the EU can support through its instruments, including cooperation assistance.

In this context, particular attention was paid to setting the agenda for human rights dialogues, with a focus on the domestic human rights situation, including individual cases. Multilateral issues at the UN and relevant regional organisations are increasingly included as standard items on the agenda for the dialogues. The EU is also responsive to requests from partner countries to discuss EU internal human rights issues, in close cooperation with EU Member States.

Action plans agreed or under revision with ENP South countries have proved instrumental in structuring the agenda of human rights dialogues with those countries, also providing useful benchmarks to facilitate the periodic evaluation of the dialogues, as called for by the EU guidelines on human rights dialogues, to be phased with the periodic update and review of the human rights country strategies.

In line with best practice, consultations with civil society, both in headquarters and in the country concerned, as well as debriefing after the dialogues, are being generalised. In addition, about 10 dedicated Civil Society Seminars were held in 2011 to feed into the official human rights dialogues. In 2011 the EU continued negotiations with the Chinese authorities with a view to improving the modalities of the EU-China human rights dialogue in line with the recommendations of the 2010 review of the dialogue. The review of the EU-Russia human rights consultations with Russia was concluded in 2011; on this basis, the EU is engaging with the Russian authorities to improve the arrangements for and substance of the dialogue.

In addition, nearly all the 79 African, Caribbean and Pacific countries that are party to the Cotonou Agreement have a dialogue with the EU based on Article 8 of the Agreement, encompassing a regular assessment of developments concerning the respect for human rights, democratic principles, the rule of law and good governance. According to Article 9 of the Cotonou Agreement, respect for 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 2011, appropriate measures were applicable to five countries: Zimbabwe, Fiji, Guinea, Guinea-Bissau and Madagascar. The application of the Article 96 procedure to Niger was discontinued.

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

The EU continued to implement and consolidate its specific human rights and women, peace and security-related policies within the Common Security and Defence Policy (CSDP), and to further develop the *acquis*, as well as the implementation of the guidelines on the protection of civilians in CSDP missions and operations. The issue of mainstreaming human rights and gender aspects into CSDP continued to be discussed by the relevant working parties at the Council, and to form part of the planning, conduct and the subsequent lessons processes of CSDP missions and operations. No new CSDP missions or operations were deployed in 2011.

In particular, work started on the implementation of the recommendations of the "Lessons and best practices of mainstreaming human rights and gender into CSDP military operations and civilian missions" report endorsed in December 2010 by the Council. To keep the EU policy framework on women, peace and security up-to-date with the most recent developments (particularly the adoption of subsequent UNSCRs on women, peace and security as well as EU/CSDP lessons identified since 2008), the EEAS also initiated the review process to update the operational document "Implementation of UNSCR 1325 as reinforced by UNSCR 1820 in the context of ESDP", which was adopted in 2008.

The elaboration of training modules on human rights, gender and child protection was another key development in 2011, based on the outlines for EU standard human rights and gender training elements in the "Package of three draft concepts containing minimum standard training elements on Human Rights, Gender and Child Protection in the context of CSDP" adopted in December 2010. Those are being developed in cooperation with training institutes from EU Member States and with civil society.

An annual meeting of the gender advisers and focal points of the CSDP missions and operations was organised by the EEAS in June 2011, and was the third meeting of its kind. In addition, all heads of civilian CSDP missions were also briefed on the EU's human rights and gender policy during a seminar in April 2011. As the year saw the EEAS being set up, a particular effort was put into facilitating information exchange between all the services involved in the crisis management area and the relevant human rights, gender and child protection expertise of the EEAS.

## **2.4. Démarches and declarations**

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

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

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

## **2.5. Human rights clauses in cooperation agreements with third countries**

The European Union seeks to insert a human rights clause in all political framework agreements, such as Association Agreements and Partnership and Cooperation Agreements, concluded with third countries. The human rights clause provides that human rights as set out in the Universal Declaration of Human Rights inspire the internal and external policies of the parties and constitute an essential element of the agreement. No new agreements containing a human rights clause were signed or came into force in 2011.

Consultations were opened in one case under a human rights clause during 2011. The European Union regarded the mutiny of 1 April 2010 in Guinea-Bissau and the subsequent appointment of its main instigators to high-ranking posts in the military hierarchy as a serious and evident breach of the human rights clause of the Cotonou Agreement. Accordingly, on 31 January 2011 the EU opened consultations with Guinea-Bissau under Article 96 of the Cotonou Agreement. During those consultations, the participants discussed the measures necessary for ensuring the primacy of civilian authority, improving democratic governance, guaranteeing the safeguarding of constitutional order and the rule of law and tackling impunity and organised crime. Following undertakings given by Guinea-Bissau concerning the conduct and conclusion of independent judicial investigations relating to assassinations in March and June 2009, the effective implementation of security sector reform and the renewal of the military hierarchy to ensure the appointment to senior command of persons not involved in unconstitutional conduct or acts of violence, the EU decided to close the consultations and gradually to resume cooperation.

In its July 2011 Communication on the External Dimension of the Common Fisheries Policy, the Commission announced that it would aim, inter alia, to reinforce bilateral fisheries agreements by inserting a human rights clause in all such agreements. Accordingly, any breach of the fundamental element of human rights and democratic principles could result in the suspension of the agreement. Protocols to this effect have been initialled with Cape Verde, Comoros, Greenland, Guinea-Bissau, Mauritius, Mozambique, São Tomé and Príncipe and the Seychelles.

## **2.6. The European Neighbourhood Policy**

The European Neighbourhood Policy (ENP) was proposed in 2004. The EU offered its neighbours a privileged relationship, building upon a mutual commitment to common values (democracy and human rights, rule of law, good governance, market economy principles and sustainable development).

The Eastern Partnership (launched in Prague in May 2009), the Union for the Mediterranean (the Euro-Mediterranean Partnership, formerly known as the Barcelona Process, re-launched in Paris in July 2008), and the Black Sea Synergy (launched in Kiev in February 2008) are the three components of the ENP.

Implementation of the ENP is jointly promoted and monitored through the Committees and sub-Committees established in the frame of these agreements. It was agreed that implementation of the ENP in 2011 would be the subject of 12 country progress reports and two regional reports reviewing the progress made in the implementation of the Eastern Partnership and the Partnership for democracy and shared prosperity; as well as a Statistical Annex.

Over 2011 the EU has responded quickly and with determination to a fast changing situation; after years of relative stagnation, democracy has taken root in neighbouring countries. The EU has adapted its policy and its instruments, has re-oriented its assistance programmes, and has made available technical support to facilitate democratic transition and allocated additional funding to neighbouring countries.

The EU has stepped up its political engagement in both the Eastern and Southern Neighbourhood. In the East, the second Eastern Partnership Summit (Warsaw, September 2011) took stock of the results achieved since the launching of the Eastern Partnership and at the same time confirmed the political commitments of the EU and of its Eastern neighbours to move towards deeper political association and economic integration. In the Southern Neighbourhood, following a proposal from the High Representative, the Council appointed a Special Representative for the Southern Mediterranean Region to develop dialogue with transition countries, step up the mobilisation of the EU and the Member States and ensure co-ordination with the International Financial Institutions and the private sector.

On March 8 2011 the Commission launched the Communication on “A partnership for democracy and shared prosperity with the southern Mediterranean” in order to respond immediately to the Arab spring events. The Communication highlighted the importance of higher standards of human rights, democracy and accountable governance.

A joint communication to the European parliament, the council, the European Economic and Social committee and the Committee of the Regions “A new response to a changing Neighbourhood” was launched on 25 May 2011. The new policy is based on mutual accountability and a shared commitment to the universal values of human rights, democracy and the rule of law and involving a much higher level of differentiation. The EU aimed to respond to the Arab Spring and sent a clear message of solidarity and support to the peoples of the Southern Mediterranean and also to respond to EU Eastern Neighbours’ demands for closer political association and deeper economic integration.



To support democratic transition the EU has stepped up co-operation with the Council of Europe and sought synergies with the Council of Europe Parliamentary Assembly offering a “Partner for Democracy status” to Parliaments of Southern Mediterranean Countries. A programme financed by the EU budget allows EU’s Southern neighbourhood to tap into the Council of Europe recognised expertise on constitutional reform, judicial reform and electoral systems. The EU has deployed a fully-fledged Election Observation Mission in Tunisia and sent election experts to Morocco. It has provided technical assistance to the Egyptian High Electoral Commission and supported voter education and domestic observers through Civil Society Organisations.

The EU has been increasingly reaching out to Civil Society. In the Eastern Neighbourhood, human rights dialogues were complemented by joint civil society seminars. The Eastern Partnership Civil Society Forum met in November in Poznan, ahead of the Eastern partnership summit. As a follow up to the ENP review adopted in May 2011, a Civil Society Facility was created <sup>2</sup>in September with a budget of € 66 million for the period 2011-13.

To uphold freedom of expression the EU has launched a “no disconnect strategy” to assist civil society organisations or individual citizens to circumvent arbitrary disruptions to access to electronic communications technologies.

The EU continued to step up efforts to support women rights across the region and ensure that gender equality is mainstreamed in all relevant co-operation actions. Women have been key players in the Arab Spring, and should not loose out in the transformations that will follow.

The EU has increased its efforts to promote throughout the neighbourhood the need to build an efficient and independent judiciary, to ensure citizens' right to fair trial and to continue the fight against corruption.

The EU deployed humanitarian assistance through ECHO (EU humanitarian aid and civil protection) teams present at the Tunisian-Libyan and borders as well as in eastern Libya in order to assess humanitarian needs and the overall situation. € 40 million were available for humanitarian assistance to the most affected people in Libya and neighbouring countries (Tunisia, Egypt). On 15 May, the total EU contribution (European Commission and Member States) totalled almost € 103 million.

To support financially partner countries reform efforts, the EU has refocused € 600 million of existing funding in the Southern Neighbourhood towards institution building programmes in areas such as judicial reform and fight against corruption. Additional financial resources from the EU budget have also been made available. The May communication had proposed to devote up to € 1.24 billion of additional resources to support the implementation of the new approach.

In December 2011, the Commission adopted the legislative proposal for a new financial instrument, the European Neighbourhood Instrument (ENI) that will replace the current European Neighbourhood and Partnership Instrument (ENPI) as of 2014. This instrument will further strengthen the link between policy and assistance, introduce more differentiation in the financial envelopes allocated to partner countries in an incentive-based dynamic and it will include simplified provisions for cross border co-operation at the EU external border.

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

In 2011 two global calls for proposals were launched under the EIDHR, aimed at: (i) providing support to human rights activists and local civil society working to promote human rights and fundamental freedoms in countries and regions where these are most at risk, and where defenders are the most vulnerable (€ 15.8 million); (ii) strengthening the role of civil society networks in promoting human rights and democratic reform and supporting actions against the death penalty (€ 21.6 million). The results of these two calls will be made public in spring 2012.

At local level, some 90 EU Delegations launched local calls for proposals (under the Country-Based Support Scheme, CBSS) worth a total of € 64.8 million, aimed at supporting civil society in their countries in previously identified priority areas. Furthermore, the EIDHR reacted to the Arab spring by quickly making available over € 6 million for CBSS in Tunisia, Egypt and Libya.

The EU continues to be the lead donor to the efforts of civil society organisations around the world towards abolition of the death penalty. In 2011 civil society organisations promoting its abolition helped to achieve significant results, such as the abolition of the death penalty in Illinois. Several lobbying, advocacy, research, campaigning, legal counselling and training activities were run by EIDHR partners all over the world.

Two important intergovernmental conferences in Kigali and Rome, both organised by civil society organisations and funded by the EIDHR, gave a new input to the abolition debate, with a view to the 2012 UNGA vote on the moratorium. Through the EIDHR, the European Union, third countries and civil society can work together and make the difference towards the progressive restriction and abolition of the death penalty worldwide.

Regarding the EU fight against torture, in 2011 the EIDHR supported new civil society actions in the field of torture prevention and rehabilitation of torture victims. The aim was to reinforce EU policy, particularly the implementation of the EU Guidelines on Torture adopted by the Council of the European Union in 2001. The substantial funding of projects helped to support the rehabilitation of torture victims and victims of enforced disappearances, increase global knowledge about the root causes of torture and raise awareness of the Optional Protocol to the Convention against Torture (OPCAT). In Sri Lanka and Nepal for example, specific projects were launched to develop the capacity of state officials to prevent and address torture and ill-treatment within the police and military. In other parts of the world, projects aimed at reinforcing investigation, information and alert mechanisms in the field of torture and ill-treatment (Guinea, Mexico, and Russia). The EIDHR also funded cooperation between medical and legal experts in documenting cases of torture and other forms of cruel and degrading treatment in the Philippines. Advocacy work was carried out to promote the setting up of national prevention mechanisms and to support litigation work on torture cases and the fight against impunity worldwide. Together with the International Rehabilitation Council for Torture Victims (IRCT) and the World Organisation against Torture (OMCT), the EIDHR also helped to provide advocacy and support for torture victims and victims of enforced disappearances in post-Gaddafi Libya.

The EIDHR continued to finance the European Inter-University Centre in Venice and its European Masters Degree in Human Rights and Democratisation in 2011, as well as similar regional programmes in the Balkans (University of Sarajevo), Africa (University of Pretoria), Latin America (Universidad Nacional De General San Martin in Buenos Aires), and the Asia-Pacific region (University of Sydney).

Several actions in 2011 took place to strengthen the international and regional framework for the protection of human rights, justice, the rule of law and the promotion of democracy. Support went to the Pacific Islands Forum Secretariat to assist the Forum Island Countries (FICs) in ratifying and implementing the core United Nations human rights conventions and the ICC Rome Statute, to raise awareness and understanding of the linkages between human rights and development, and to increase the national capacity of FICs to integrate human rights into their governments' policies and development plans.

The Council of Europe received concrete support for two projects aiming at: (i) strengthening national capacities in Armenia, Azerbaijan, Georgia, Republic of Moldova, the Russian Federation and Ukraine for more effective human rights protection by increasing knowledge and skills on the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Revised European Social Charter; (ii) supporting educational policies on democratic citizenship and human rights education in Kazakhstan.

In order to ensure respect of international standards in conducting fair trials that are to bring justice to the victims of the Khmer Rouge, support was also provided to the Extraordinary Chambers in the Courts of Cambodia (ECCC) by contributing to the Cambodian share of the Tribunal's budget. With EIDHR financial support, 12 civil society seminars on human rights were organised in 2011 in countries such as Colombia, Bangladesh, Armenia and Tajikistan as a complement to the annual political dialogues on human rights. The third EU-African Union civil society seminar was held in November in Brussels.

Finally, support for human rights defenders remained a priority for the EIDHR in 2011. Under its emergency fund for defenders at risk, the EIDHR awarded a series of small grants to assist individual and human rights organisations in acquiring protection, security and IT material for their work, to cover lawyers' fees and the medical and rehabilitation expenses of activists subjected to torture and ill-treatment, and to urgently relocate human rights defenders in danger to safe places. Also in 2011, a mapping study of shelter programmes for human rights defenders at risk was drawn up as a first step to supporting the future establishment of an EU initiative to provide temporary relocation to endangered activists in need of safe refuge.

## **2.8. The review of EU human rights policy**

On 12 December 2011, the European Commission adopted a Joint Communication presented by the High Representative, entitled 'Human rights and democracy at the heart of EU external action – towards a more effective approach'. This came as a result of a lengthy process, dating back to discussion at the Gymnich (informal meeting of EU foreign ministers) at Cordoba in March 2010. The Communication was informed by work previously prepared at informal meetings in Madrid, Bruges, Budapest and Warsaw, as well as recommendations presented by different stakeholders through the EU-NGO Forum.

The aim of the Communication, as stated at its start, was "to open a discussion with the other European institutions on how to make the EU's external policy on human rights and democracy more active, more coherent and more effective". This is in reaction to the promise of the Lisbon Treaty to put human rights, democracy and the rule of law at the centre of all external action and to ensure consistency between the different areas of its external action and the implementation of the principles of the EU's foreign policy.

The EU's headline objective is stated as "to prevent violations of human rights and, where they occur, to ensure that victims have access to justice and redress and those responsible are held to account". With a view to producing a step change in the effectiveness of EU delivery on this, the Communication sets out a vision of how the EU will broaden, deepen and streamline its action on the international scene. In doing this, it reaffirms the EU's commitment to the universality, indivisibility and interdependence of all human rights – civil, political, economic, social and cultural.

The Communication proposes action in four areas:

a) Overhauling delivery: effective action, made to measure

The aim here is to balance a traditional top-down approach to setting policy and priorities with a tailor-made approach taking account of the circumstances where the policy should be applied. One way of doing this is through the development of human rights strategies for individual countries. Another is through a campaign-based approach, eg on the three themes suggested by the High Representative: judicial reform, rights of women, and rights of the child. Such adaptable ways of working link into the approach adopted in the European Neighbourhood and beyond since the events of the Arab Spring. They depend on an important systematic partnership with civil society, including human rights defenders.

b) A joined up approach to policy

This aims at achieving "360 degree" policy coherence, weaving together different policy areas that may sometimes have operated with a degree of autonomy: Trade policy, Conflict prevention, Crisis management, Counter-terrorism, as well as freedom, security and justice.

The guiding principle here is that set out by Kofi Annan, who wrote 'In larger freedom': "We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights." It means using the entire range of EU instruments, from development cooperation to human rights clauses in agreements, in a coherent and consistent manner.

c) Building strong partnerships

This covers multilateral, regional and bilateral partnerships. The aim is to maximise the impact of dialogue, to shape the terms of international debate through well-crafted diplomacy.

d) Harnessing Europe's collective weight

This seeks to ensure that the range of the EU's efforts continue to pull in the same direction. It starts with ensuring that training on human rights and democracy is provided to all relevant staff. Beyond this, it implies rethinking how the EU communicates to the wider world. This prefigures the possible appointment of an EU Special Representative for Human Rights.

On 13 December the Communication was presented to the European Parliament by the High Representative, Catherine Ashton. This opened the way for a process of exchanges, both within and between the EU institutions on developing a more effective and comprehensive approach to human rights and democracy. This process is due to conclude in 2012.

NB. The Communication proposed that, in order to track progress in achieving its objectives, the EU should present its performance in its annual report on human rights and democracy in the world. This should give an opportunity to all stakeholders in EU policy, including civil society, to assess the impact of EU action and contribute to defining future priorities. As a result, the format of the present annual report is liable to be reviewed before its next edition.



### **3. THEMATIC ISSUES**

#### **Thematic issues related to EU Guidelines**

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

The EU holds a strong and principled position against the death penalty and is a key actor in the fight against the death penalty worldwide.

The EU considers that abolition of capital punishment contributes to the enhancement of human dignity and the progressive development of human rights. It considers capital punishment to be cruel and inhuman, and to fail to deter criminal behaviour. Any miscarriage of justice – which is inevitable in any legal system – is irreversible. Where the death penalty still exists, the EU calls for its use to be progressively restricted and insists that it be carried out according to minimum international standards. The EU guidelines on the death penalty, which were revised in 2008, remain the essential instrument for systematic action towards non-EU countries.

As its action in this area represents a key priority of its external human rights policy, the EU has continued to use all its available tools of diplomacy and cooperation to work towards the abolition of the death penalty.

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 "I pledge my continued personal commitment, as well as that of the European Union, to doing away with the death penalty, which has no place in the modern world." EU Delegations around the world commemorated the occasion in numerous seminars, press conferences, exhibitions and events.

In 2011, the EU welcomed the announcement of the abolition of the death penalty in the US State of Illinois on 11 March 2011. The EU also welcomed the Ethiopian Government's decision to uphold the prevailing moratorium on executions on 30 June 2011. Conversely, the EU deplored the continuing extensive use of the death penalty in other parts of the USA and the world. Iran and the USA were a particular focus of attention, but statements and démarches were carried out in many other countries, based on the minimum standards defined by international law and the EU Guidelines on the Death Penalty.

The EU continued to raise its opposition to the death penalty in all relevant forums, in particular at the UN, the OSCE and the Council of Europe. In the context of the OSCE, the EU issued several statements expressing its deep regret about the executions in the US and its opposition to the use of capital punishment in all cases and under all circumstances, and calling for a global moratorium as a first step towards its universal abolition, in line with resolutions adopted by the UN General Assembly in 2007, 2008 and 2010 (EU statements in the OSCE Permanent Council of 2 and 10 June, 1 and 22 September, 10 November and 1 December).

The EU also regretted the death sentences in Belarus in the OSCE Permanent Council on 15 December 2011. Nonetheless, the EU welcomed the abolition of the death penalty in the US State of Illinois (the declaration of the High Representative on behalf of the EU of 11 March 2011 was reiterated in the OSCE Permanent Council on 17 March).

The EU continues to be the lead donor to the efforts of civil society organisations around the world towards abolition of the death penalty. The abolition of the death penalty is one of the thematic priorities under the European Instrument for Democracy and Human Rights (EIDHR). In June 2011, a new global call for proposals was launched, with an allocation of € 7 million. Accordingly, several new actions aimed at implementing the EU guidelines on the death penalty will be awarded in 2012. Within the framework of the ongoing projects, in 2011 the vibrant civil society organisations seeking abolition helped to achieve significant results, such as abolition in Illinois. Two important intergovernmental conferences in Kigali and Rome, both organised by civil society organisations and funded by the EIDHR, gave a new input to the abolition debate, with a view to the 2012 UNGA vote on the moratorium. Several lobbying, advocacy, research, campaigning, legal counselling and training activities were run by EIDHR partners all over the world.

The list of goods subject to the export controls of 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.

#### Case study

The EU has closely monitored and intervened on a number of occasions since 2008 in the case of Troy Davis, a US citizen sentenced to death in 1991 in the State of Georgia. Troy Davis was convicted of the murder of police officer Mark Allen McPhail. There was no physical evidence to support the conviction, which was based on witness testimony, and since the trial seven of the nine state's witnesses recanted. Nonetheless, on 28 March 2011, the US Supreme Court rejected Mr Davis' appeal.

The execution of Mr Davis took place on Wednesday 21 September 2011. High Representative Ashton issued a statement voicing her "deep regret" over the execution, and recalling that the EU had repeatedly called for Mr Davis' sentence to be commuted, because "serious and compelling doubts have persistently surrounded the evidence on which Mr Davis was convicted".

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

In line with the EU Guidelines on Torture, the EU has sustained its leadership role and its global action to combat torture and other forms of cruel, inhuman or degrading treatment or punishment with initiatives in international forums, bilateral démarches to non-EU countries, improved local implementation of the Guidelines and substantial support for projects by civil society organisations in the field. A revised version of the Guidelines was adopted by the Council's Working Party on Human Rights (COHOM).

During the 66th session of the UN General Assembly (UNGA), the EU Member States co-sponsored a resolution that condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation. The resolution was presented by Denmark and adopted by consensus. In statements at the UNGA session, the EU said it represented the value the international community placed on human dignity. Furthermore, the Assembly condemned any action 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 all such acts.

The EU Member States also co-sponsored a resolution entitled "Torture and other cruel, inhuman or degrading treatment or punishment: mandate of the Special Rapporteur" at the UN Human Rights Council in March 2011. The resolution extended the mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for a further period of three years.

In its annual declaration on the occasion of the International Day in Support of Victims of Torture on 26 June 2011, the EU underlined the priority it attaches to the global eradication of torture and to the full rehabilitation of torture victims, and reiterated that States must take persistent, determined and effective measures to prevent and combat all acts of torture and other cruel, inhuman or degrading treatment or punishment. The EU stressed the prominent importance it attaches to the role of the UN in fighting torture and supporting victims and underlined its support for the UN Special Rapporteur on Torture, the UN Voluntary Fund for the Victims of Torture, the OHCHR, the UN Committee Against Torture (UN CAT) and other mechanisms making valuable contributions in this field, such as the Committee for the Prevention of Torture (CPT) of the Council of Europe.

In line with the EU Guidelines on Torture, the EU actively continued to raise its concerns on torture with non-EU countries through political dialogue and démarches. Such contacts – confidential or public, depending on the case – address both torture issues and individual cases relevant to specific countries as well as wider issues. During 2011 the EU continued to take up individual cases in a number of countries. The EU consistently raised the situation of torture and ill-treatment in its regular human rights dialogues with non-EU countries.

More than 60 EU Delegations around the world identified the fight against torture as priority area, the majority also identifying concrete actions to be implemented in their host countries. The EU continued its system of regular confidential reporting on human rights, including on torture, by its Heads of Mission in non-EU countries. The EU made a number of statements related to torture, including within multilateral forums such as the UN and the OSCE and considered ways and means to better coordinate with the UN CAT and the UN Subcommittee on Prevention of Torture (SPT).

EU Member States are under close international scrutiny as regards their compliance with international and regional instruments in the field of torture and cruel, inhuman or degrading treatment or punishment. The EU Member States have jointly extended a standing invitation to all UN Special Procedures on Human Rights, including the Special Rapporteur on Torture (SRT).

The EU's emphasis on action to fight torture is reflected in its substantial funding of projects by civil society actors worldwide. In 2011 the European Instrument for Democracy and Human Rights (EIDHR) supported new civil society actions in the field of torture prevention as well as rehabilitation of torture victims. The themes selected under global calls for proposals are designed to reinforce EU policy, particularly the implementation of the EU Guidelines on Torture adopted by the Council of the European Union in 2001. The substantial funding of projects has helped to support the rehabilitation of torture victims and victims of enforced disappearances, to increase global knowledge about the root causes of torture and to raise awareness of the Optional Protocol to the Convention against Torture (OPCAT). In Sri Lanka and Nepal, for example, a specific project develops the capacity of state officials to prevent and address torture and ill-treatment within the police and military. In other parts of the world, projects aim to reinforce investigation, information and alert mechanisms in the field of torture and ill-treatment (Guinea, Mexico, Russia). The EIDHR also funded activities strengthening cooperation between medical and legal experts in documenting cases of torture and other forms of cruel and degrading treatment in the Philippines, advocacy work towards the setting up of National Prevention Mechanisms, and litigation work on torture cases and the fight against impunity worldwide. In Libya, the EIDHR is also supporting an important project implemented jointly by IRCT and OMCT which aims, through a holistic approach to the issue of torture, to provide advocacy and support for torture victims and victims of enforced disappearances in post-Gaddafi Libya.

### **3.3. Rights of the child**

The European Union is committed to the protection and promotion of the rights of the child in its external and internal policies. In order to ensure coherence of children's rights protection, the February 2011 Commission Communication "An EU Agenda for the rights of the child" integrated both internal and external policy objectives in a single policy document.

Within the EU's external human rights policy, numerous policy instruments have been developed to ensure promotion and protection of the rights of the child in the EU's external relations, primarily based on sustained and systematic action.

The EU Guidelines on the Rights of the Child (2007) promote the rights of the child worldwide through the implementation of the UN Convention on the Rights of the Child and its Optional Protocols, and by ensuring that the rights of the child are taken into account in all EU policies and actions. Combating violence against children was chosen in 2007 and 2009 as the focus area for the implementation of the guidelines in ten pilot countries which were selected in close cooperation with UNICEF and civil society: Armenia, Barbados, Brazil, Ghana, India, Iran, Jordan, Kenya, Morocco and Russia. In 2011, the EU launched a review of its Guidelines on children to take into account the latest international as well as internal developments. For example, the EU moved towards the local definition of its human rights priorities and more than half of the EU Heads of Missions decided to work on the promotion of children's rights.

In 2011, the EU significantly stepped up its action against child labour following the adoption of the 2010 Council conclusions. Several initiatives were implemented such as the inclusion of the rights of child in the Commission Communication on Corporate Social Responsibility and in the Commission guidelines on socially responsible procurement.

The EU relies on a number of instruments to pursue its policy on the rights of the child. Political dialogue provides an opportunity to promote the ratification and effective implementation of the relevant international instruments on those rights. In 2011, the rights of the child were regularly included on the agenda of political dialogues and human rights dialogues with non-EU countries.

Annual training on the rights of the child, which is co-organised in cooperation with Save the Children and UNICEF, was offered to EU staff in November 2011 in order to strengthen EU capacity to act.

Bilateral and multilateral cooperation must also take the rights of the child fully into account. The EU has been actively involved in the promotion of the rights of the child at various UN forums. In March 2011, together with the Latin American and Caribbean Group (GRULAC), the EU tabled a thematic resolution on children working and living on the street at the Human Rights Council and omnibus resolutions at the 66th session of the UNGA.

The EU enlargement process is also a powerful tool providing opportunities to promote the rights of the child and foster reform of child protection in the candidate countries and potential candidates.

Development cooperation is another powerful instrument used for the promotion and protection of the rights of the child. Several projects addressing child labour were selected under the 2011 call for proposals of the thematic programme "Investing in People", worth a total of € 11 million.

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



#### Case study: Fighting child labour

In 2011, the EC extended a project implemented in cooperation with the ILO called "TACKLE". The project fights child labour, in particular its worst forms, in 11 African, Caribbean and Pacific Countries: Kenya, Zambia, Sudan, Madagascar, Mali, Angola, Jamaica, Papua New Guinea, Fiji, Guyana and Sierra Leone. Worth € 14.75 million, the project tries to address the root causes of child labour and to offer alternatives to children by providing access to basic education and training. In this way it helps to achieve the Millennium Development Goals on universal access to primary education.

### **3.4. Children and armed conflict**

The EU accords a high priority to helping children associated with armed conflicts. The EU Guidelines on Children Affected by Armed Conflicts (adopted in 2003 and revised in 2008) commit the EU to addressing the impact of armed conflicts on children in a comprehensive manner, which means through conflict prevention instruments as well as through crisis management and post-conflict disarmament, demobilisation and reintegration efforts. The EU receives reports on children affected by armed conflict from EU Heads of Mission, military commanders and special representatives, and also monitors it by means of diplomatic initiatives, political dialogue, multilateral cooperation, and crisis management.

The EU focuses the implementation of the Guidelines on 20 priority countries or territories: Afghanistan, Burundi, Central African Republic, Chad, Colombia, DRC, Côte d'Ivoire, Haiti, Iraq, Israel, Lebanon, Burma/Myanmar, Nepal, Occupied Palestinian Territory, Philippines, Somalia, Sri Lanka, Sudan, Uganda and Yemen. The list of EU priority countries is in accordance with the UN list of entities involved in certain grave violations of children in armed conflict, which is reviewed annually by the UN Security Council.

In their daily work, the EU Delegations follow the 39 specific actions included in the December 2010 revised implementation strategy. The EU funded and implemented a number of projects under the thematic instruments such as the European Instrument for Democracy and Human Rights (EIDHR) and Investing in People Programme, as well as through country schemes, such as the disarmament, demobilisation and reintegration projects funded under the European Development Fund.

As in previous years, the EU sought to cooperate closely with the UN. In association with the Group of Latin American countries, the EU negotiated a resolution at the UN General Assembly, which extended the mandate of the Special Representative of the UN Secretary General for children and armed conflict.

In 2011 the EU launched a thematic lobbying campaign to promote the ratification of two Optional Protocols to the Convention on the Rights of the Child as well as ILO Convention 182 on the worst forms of child labour.

Case study: Reintegration of children affected by armed conflict

The EU promotes an inclusive, comprehensive and long-term approach to children affected by armed conflict and their reintegration and rehabilitation. Numerous projects were implemented in priority countries. In cooperation with War Child Holanda, the EU contributed to empowerment of children at risk of recruitment to armed groups in Colombia by providing training which is useful for their insertion into society. This EIDHR project worth € 600 000 also provides psycho-social assistance to child victims and helps to connect them to national referral systems and social services. Another project in Colombia, implemented by Mercy Corps (€ 749 859), worked with local communities to promote the demobilisation and reintegration of 70 children who were former combatants. At least 10 other similar projects were implemented in Colombia in 2011.

### **3.5. Human rights defenders**

The EU's commitment to support the work of human rights defenders lies at the heart of its policy of protecting and promoting human rights worldwide. Since 2004, the EU Guidelines on Human Rights Defenders have been streamlining the EU's actions in this field by proposing practical ways to support and assist human rights defenders working in non-EU countries.

The continued commitment to the implementation of the Guidelines has been even more important, given the fact that despite – or in some cases because of – the events of the Arab spring in 2011, the worldwide political environment for human rights activists could hardly be described in positive terms. In many countries, there is a contraction of democratic space, and civil society in general and human rights defenders (HRDs) in particular are increasingly victims of repression, and fundamental freedoms are still massively violated. As a reaction to these worrying practices, in line with the Guidelines, the situation of human rights defenders has been constantly raised in bilateral contacts with partner countries, be it in the framework of human rights dialogues or through diplomatic démarches. In parallel, in November 2011 the EU co-sponsored the UN General Assembly Third Committee resolution on human rights defenders, and gave strong public support to the Special Procedures of the UN Human Rights Council, especially the UN Special Rapporteur on Human Rights Defenders and appropriate regional mechanisms to protect human rights defenders. The EU also participated in coordination meetings with other international organisations and mandate holders working on the issue of human rights defenders to strengthen international action for their work.

Under the EU Guidelines on HRDs, EU missions are asked to adopt local strategies on human rights defenders. Besides, once a year, a meeting of human rights defenders and diplomats is to be organised, coordination and information sharing is to be enhanced, and an EU liaison officer for HRDs is to be appointed. As a result, by the end of 2011, 81 meetings with human rights defenders had been held, 81 local strategies on human rights defenders adopted and 89 EU Liaison Officers appointed. The local strategies contain a number of interesting proposals aimed at improving the concrete outcomes of the Guidelines and achieving better results. The local strategies have shown that there are several possibilities to enhance support for human rights defenders in practical terms and human rights defenders are being increasingly recognised as key interlocutors of EU diplomats in their work on human rights issues.

Efforts have also been made to prepare the ground for a voluntary European initiative to provide temporary shelter to human rights defenders in need of urgent relocation from their countries of origin under the European Instrument for Democracy and Human Rights (EIDHR). In April 2011, the Commission commissioned a study aimed at mapping existing initiatives in and outside Europe in this field and to provide recommendations on the added value of an EU temporary relocation system for human rights defenders at risk. The EU initiative in this field is expected to complement shelter schemes which already exist, run by different actors such as EU Member States (eg Spain or Ireland), regions, cities, universities and NGOs.

The EU's political commitment to support human rights defenders is being complemented by dedicated EIDHR financial assistance to several organisations providing support for the work of human rights activists. In 2011, contracts for eleven new projects supporting HRDs were awarded worth a total of over € 11 million and a new call for proposals was organised, worth over € 15 million. The eleven projects selected in 2011 aim at supporting different categories of human rights defender, such as defenders of migrants' rights in Latin America, journalists in East Africa, lawyers in the Great Lakes, defenders of indigenous peoples' rights in Asia, environmental and land-right defenders worldwide, or trade unionists in Asia, Latin America and Africa. Some of these projects provide for rapid reaction mechanisms to grant assistance to human rights defenders in need of urgent protection, while others provide support for the reinforcement of human rights defenders' capacities. Activities include organisation of training on legal and security issues; urgent interventions and field missions in order to break the isolation of defenders who are being harassed and to support their capacities to act; a hotline to support human rights defenders at immediate risk; and direct support for human rights defenders in need (provision of bullet-proof jackets and helmets, relocation to other countries, legal advice, medical support, etc).

In parallel, under the emergency facility for human rights defenders set up on the basis of Article 9 of the EIDHR Regulation, in 2011 the Commission awarded 28 small grants worth a total of € 247 000 to assist over a hundred individual activists and several local human rights organisations to acquire protection and security material for their homes and offices, and IT and other communication material for their work; to cover lawyers' fees for defenders in prison; to provide medical and rehabilitation support; or to urgently relocate human rights defenders in danger to safe places inside their country or abroad.

Case study:

In 2011, and with a 10,000 euro support awarded under the EIDHR the emergency fund for human rights defenders at risk, a well-known Colombian trade unionist whose life was highly in danger was evacuated in a matter of days to France. This small grant will also allow this defender, who during the past 10 years suffered countless death threats and several attempts against his life for defending the rights of the members of his trade union, some of whom were either murdered or disappeared, against paramilitary and other illegal groups, to start a new life with his wife and his two children in a secure place.

### **3.6. Human rights of women**

Again during 2011, gender issues remained very high on the EU's human rights agenda. The establishment of the European External Action Service boosted the EU's commitment to gender issues thanks to the High Representative, Catherine Ashton, a strong advocate of gender equality and women's empowerment.

In 2011 the High Representative continued to strongly advocate stepping up the fight against violence against women. In particular, she issued a joint statement with European Commission Vice-President Viviane Reding on the International Day against Female Genital Mutilation. On the International Day for the Elimination of Violence against Women, 25 November 2011, the High Representative, together with Andris Piebalgs, EU Commissioner for Development, and Cecilia Malmström, EU Commissioner for Home Affairs, recalled that the EU would continue to work with partner countries and organisations in their efforts to tackle all forms of violence against women and girls.

During 2011 the EU continued to actively promote the human rights of women through its human rights dialogues and consultations with partner countries. For example, the EU raised the human rights of women with the India, Ukraine, Republic of Moldova, Morocco, Indonesia, Laos and other countries. In October 2011 the EU held a dialogue with Argentina focused exclusively on gender issues.

During 2011 the EU pursued the implementation of its guidelines on violence against women and girls and combating all forms of discrimination against them. The implementation of these guidelines, which clearly set the fight against violence and discrimination against women as a key objective of the EU's external human rights policy, involves an important role for EU Delegations and the Embassies of EU Member States in non-EU countries. More than 80 EU Delegations around the world had identified the rights of women as a priority area in their human rights country strategies, the majority also identifying concrete actions to be implemented in their host countries.

The EU continued to actively work for the promotion of gender equality and the advancement of women at the United Nations. The EU actively participated in the 2011 Commission on the Status of Women (CSW). The EU welcomed the themes of this session, and in particular the emphasis on the link between access to education and access to employment. The High Representative met Ms Michelle Bachelet, the Executive Director of the newly created UN gender entity UN Women, with the aim of working out how to be more effective together.

In 2011, the EU was especially active in relation to women and political participation. One example is the participation of High Representative Ashton, on 19 September 2011, in the high-level side event co-organised by the EU together with UN Women, UNDP, the US (Secretary of State Hillary Clinton), Brazil (President Rousseff) and Trinidad and Tobago in the margins of the UN General Assembly, aimed at bringing attention to the importance of the political participation of women for democracy, sustainable development and peace. The high-level participants signed a joint statement "Advancing Women's Political Participation" calling on all states, including those emerging from conflict or undergoing political transitions, to eliminate all discriminatory barriers faced by women, particularly marginalised women, and encouraging all states to take proactive measures to address the factors preventing women from participating in politics.

The statement also calls for the ratification and full implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The joint organisation of the event provided for an opportunity for the EU to intensify cooperation with UN Women.

In addition, as part of the EU's efforts in the Arab spring, the EU is strongly advocating women's political participation in North Africa and the Middle East. The EU is committed to making sure that gender aspects are truly integrated in all the actions it is implementing in the region.



#### CASE STUDY:

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

In Tunisia the EU, jointly with the UN, is supporting leading non-governmental organisations working on women's issues and strengthening their capacity to influence the transition process (EU contribution € 300 000).

In Egypt the EU allocated € 1.7 million to help create and foster linkages between civil society and civic interest groups that formed during the protests, and to work with Egyptian actors to support them in providing the public with analysis on the political reforms. Women are a particular beneficiary group of the project.

### **3.7. Women, peace and security**

Very closely linked to women's political participation, in 2011 the EU continued to be very deeply committed to Women, Peace and Security.

Since 2008, the EU has implemented a specific policy on Security Council Resolutions 1325 and 1820. In 2010, the EU Ministers for Foreign Affairs adopted 17 progress indicators to measure how we implement our commitments, and to ensure transparency. The first report on the basis of the indicators was finalised in May 2011 and the results are encouraging. On the basis of the replies received, overall the EU is active on the issue of women, peace and security in more than 70 countries. In total the EU institutions and the EU Member States reported allocating about € 200 million in 2009 and early 2010 for women, peace and security-related activities. Activities include the development and implementation of national action plans, funding for non-governmental organisations, assistance and policy support to governmental agencies, and the provision of training.

Support for civil society plays a particularly important role. The EU has, for example, supported Somali women's groups and encouraged the formation of the Somali Women's Agenda (SWA), a Somali advocacy movement for gender equality and women's empowerment that has opened space for women's engagement in crucial legislative and policy processes.

In 2010 the European Commission adopted the Strategy for Equality between Women and Men for 2010-2015 to enhance its action in the field of gender equality. Besides, in March 2011, the Council of the European Union adopted the European Pact for Gender Equality 2011-2020, reaffirming the EU commitments in this area.

In 2010, in order to give further impetus to the implementation of its commitments on gender equality, the EU adopted its first ever Action Plan on Gender and Development - GAP (2010-2015), which is binding for the Commission and for all 27 EU Member States

The first Implementation Progress Report on the GAP was presented to the Council in November 2011. It showed evidence of progress and a significant number of good practices in including gender equality in development such as:

- The increased presence of gender coordination mechanisms (including donors, the UN, and governments) in partner countries, where the EU plays an active role.
- The EU's involvement in multi-sectoral policy dialogue assisting partner governments to implement their commitments on gender equality.
- The support given by the EU to the founding of UN Women, and the progress towards the
- establishment of a strategic EU-UN Women partnership.

In October 2011 EuropeAid launched a new programme together with UN Women, aiming at increasing the capacity of governments to mobilise resources for gender equality in 15 partner countries: the UN Women/ITC-ILO programme Increasing Accountability in Financing for Gender Equality (FfGE). The programme covers Ethiopia, Haiti, Honduras, Jordan, Kyrgyzstan, Nicaragua, the Occupied Palestinian Territory, Senegal, Ukraine, and Bolivia, and, from April 2012, Rwanda, Nepal, Peru, Tanzania, and Cameroon. The Commission's contribution amounts to € 6.5 million.

The initiative aims at increasing the volume and effective use of aid and domestic resources to implement national commitments on gender equality and women's empowerment.

This will be pursued through (1) capacity building of government, civil society, and donors in identifying financing and implementation gaps on gender equality and in aligning resource allocation to existing commitments, and (2) national and global advocacy and multi-stakeholders' dialogue.

Investing in people programme:

In November 2011, in the framework of the thematic programme "Investing in People", EuropeAid launched a € 30 million global call for proposals on "Strengthening protection and promotion of women's rights and of women's social and economic empowerment" with the objective of increasing women's equal access to economic resources and relevant services, women's participation in economic growth, and the dissemination of related good practices. Eligible applicants include civil society organisations, professional associations, trade unions, local authorities, and other relevant actors across four regions.

In 2011, the main progress made in the light of the EU's commitment towards the situation of women in relation to peace and security was the publication of the first "Report on the EU indicators for the Comprehensive Approach to the EU implementation of the UN Security Council UNSCRs 1325 & 1820 on Women, Peace and Security" adopted by the Council on 13 May 2011. It shows that the EU has taken concrete steps to enhance protection mechanisms for vulnerable groups, such as women and children. It will allow implementation to be tracked across the EU Member States and institutions as well as CSDP missions, and thus aims to improve the EU's accountability for its commitments in this field.

The next report is due in 2013.

On 8 December 2008, the EU Council adopted the "Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on Women, Peace and Security" (the Comprehensive Approach) as well as a revised operational document on the implementation of these resolutions specifically within the Common Security and Defence Policy (CSDP). The Comprehensive Approach includes a commitment to develop, on the basis of the relevant "Beijing + 15" indicators elaborated in 2008, indicators for progress regarding the protection and empowerment of women in conflict settings and in post-conflict situations. On 26 July 2010, the Council adopted a set of 17 indicators to follow up to this commitment<sup>1</sup>. On this basis, the Council Secretariat and the European Commission prepared questionnaires, covering the period between December 2008 and October 2010, that were submitted to all EU Member States, 36 EU Delegations in third countries, EU Special Representatives (EUSR) and Common Security and Defence Policy (CSDP) missions and operations.

The responses received show that the EU (institutions and Member States) supports 70 countries in total on women, peace and security-related programmes. It does this through a wide variety of EU tools and funding instruments, with the European Instrument for Democracy and Human Rights (EIDHR) most frequently mentioned. Slightly more than one in five EU Delegations and about half of the EU Member States also mentioned having used political dialogue to discuss women, peace and security-related issues.

A large number of good practices and innovative approaches emerged from the reports received, including for example the following:

- Local coordination in Nepal through the "UNSCR 1325 and 1820 Peace Support Working Group" (PSWG).
- Mainstreaming gender in the Pakistan Post-Crisis Needs Assessment (PCNA).

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<sup>1</sup> Indicators for the Comprehensive approach to the EU implementation of the United Nations Security Council UNSCRs 1325 and 1820 on women, peace and security (Council document 11948/10)

- Cross-learning initiative on UNSCR 1325 between Ireland, Timor-Leste, Liberia and Sierra Leone, and direct support for partner countries to establish a National Action Plan on UNSCR 1325.
- Selection, by Sweden, of UNSCR 1325 as a priority area in development cooperation strategies with countries in conflict and post-conflict situations.
- Support, for example by Germany, for training and recruiting activities of the United Nations aimed at increasing gender awareness of mission participants and women's participation in peacekeeping missions.
- Adoption of a publicly available "Gender Mission Statement", outlining the mission's commitment to gender-mainstreaming and equality and agreed by senior management (EUPOL COPPS).

The report also allowed further challenges to be identified, for instance with regard to:

- coordination at local level: in their reports, only 16 EU Delegations mention the existence of a local coordination mechanism, which allows for discussion on women, peace and security- related matters.
- women's participation in peace negotiations: although the EU institutions or Member States reported having supported peace negotiations in several countries, they could in most cases not give information on women's participation.
- language on gender in the Council Joint Actions (JA) establishing CSDP missions. For the time being only two Joint Actions refer to gender.
- training on gender issues for EU Delegations' staff: the responses indicate that it is mostly women who receive training on gender, indicating that gender is still perceived as a "women's issue".

## EU support for Women, Peace and Security in Somalia

To date, UNSC Resolution 1325 remains unfulfilled in Somalia's case. The absence of precise objectives in relation to transforming the position of women at the political level suggests there is still a long way to go to improve Somali women's political rights and aspirations. An entry point was given by the quota of 30 % attributed to women for the Constituent Assembly which will have a total of 825 participants. The challenge will be to maintain this quota in the next political dispensation and to include the implementation of the UNSC Resolution 1325 among the Somali government's priorities supported by the international community.

So as to support Somalia's work on the implementation of this resolution, the EU supported a capacity needs assessment on UNSCRs 1325, 1820, 1888 and 1889 for Somali ministries in charge in the three regions, as well as the identification of challenges, opportunities and entry points.

The full package of UNSC Resolutions has been translated into Somali and distributed widely, and information and advocacy sessions have been provided for ministries in charge and women's groups. In addition, a "gender" call for proposals for a total of € 3 175 000, open to international organisations and international NGOs, was launched in November 2011 focusing on the implementation of the above UNSC resolutions.

Several meetings of the EU informal task force on Women, Peace and Security also took place during the year; in May, October and December 2011. They focused on the preparation of the abovementioned report, as well as the revision of the 2008 operational paper on the implementation of UNSCR 1325 and 1820 in the context of ESDP (now CSDP), on interaction with civil society and on the coordination of EU efforts in the area.

The annual CSDP human rights and gender advisers and focal points meeting took place on 20 June 2011, bringing together CSDP mission and operation experts working on gender aspects. This meeting allowed for an exchange of best practices among staff deployed in missions and operations, as well as in Brussels, working on women, peace and security aspects. The gender advisers produced recommendations, with a view to improving gender-mainstreaming structures in CSDP missions and operations, gender training, and monitoring and follow-up regarding reporting on aspects and indicators linked to the relevant UNSCRs in regular mission/operation reports.

On training, progress was made in the development of a gender training module for staff in CSDP missions and operations, further to the endorsement in 2010 of CSDP minimum standard training elements on gender.

The EU continued to be closely involved in the activities of international organisations working in the field of women, peace and security. In this context, the EU provided a contribution to the UN Security Council debate on women, peace and security (UNSCR 1325) - "Women's Participation and Role in Conflict Prevention and Mediation" which took place on 28 October 2011.

### **3.8. Promoting compliance with International Humanitarian Law**

The EU undertook a variety of initiatives to promote international humanitarian law worldwide, in line with the 2005 Council Guidelines on Promoting Compliance with International Humanitarian Law.



At the 31st International Conference of the Red Cross and Red Crescent in Geneva in November, the EU delivered a statement reaffirming the continued relevance of international humanitarian law as well as the obligation of all parties involved in armed conflicts to respect it. The statement underlined that between 2007 and 2011 the EU had used all means of action at its disposal to promote compliance with international humanitarian law, such as political dialogues with third countries, public statements and cooperation with international bodies. The EU underlined the priority it gave to combating impunity for war crimes and encouraged third countries to enact penal legislation to punish violations of international humanitarian law. The EU stressed that the greatest contemporary challenge was achieving better compliance with existing rules of international humanitarian law by all parties to a conflict, including non-state actors. The EU underlined its determination in this regard to ensure accountability, through documenting the abuse of international humanitarian law and supporting accountability mechanisms.

The EU and its Member States made seven pledges to the Conference, to step up efforts to combat enforced disappearances; continue their support for the International Criminal Court; work towards further participation in the principal international humanitarian law instruments; support the promotion and dissemination of international humanitarian law; promote respect for fundamental procedural guarantees for all persons detained in armed conflict; and support international instruments seeking to address humanitarian hazards of explosive remnants of war, cluster munitions, improvised explosive devices and anti-personnel landmines.

Together with their national Red Cross Societies, Member States also pledged to engage in an exchange of information on the negotiation of a strong and robust Arms Trade Treaty. The full text of these pledges is set out in the annex to this report.

The EU also underlined its commitment to international humanitarian law before the United Nations. At the UN Security Council debate on protection of civilians in armed conflict on 10 May, the EU delivered a statement deploring the fact that civilians continued to be victims of disproportionate attacks, of deliberate targeting and of the indiscriminate use of weapons. The EU called on all parties to conflicts to comply fully with their international legal obligation to protect civilians and underlined the need to guarantee safe and unhindered access for humanitarian operations to populations in need. The statement noted that there must be no impunity for perpetrators of the most serious international crimes, namely war crimes, crimes against humanity and genocide; the EU supported accountability mechanisms at international and national level.

The EU repeatedly condemned violations of international humanitarian law during the conflict in Libya. On 23 February, the High Representative issued a statement condemning the use of force against civilians which had resulted in the deaths of hundreds of Libyan citizens; the EU called on the Government of Libya to respect international humanitarian law and stressed that those responsible for the brutal aggression and violence against civilians would be held to account. On 12 April, Council conclusions called for full compliance with international humanitarian law and in particular the protection of civilians. On 29 April 2011, the High Representative expressed particularly deep concern about the reported use of cluster munitions against the civilian population and called upon the armed forces of the regime to refrain from using force against the civilian population. On 18 July, Council conclusions condemned the grave violations of human rights and the breaches of international humanitarian law perpetrated by the regime and reiterated the importance of accountability, justice and the need to fight against impunity. On 14 September, the High Representative issued a statement expressing her concern at the situation of non-combatant sub-Saharan populations and black Libyans.

The High Representative noted that these groups were particularly vulnerable and must be adequately protected; all combatants who had been detained must be treated in accordance with international law. On 10 October, Council conclusions stressed the need for the Libyan authorities fully to respect all international obligations and the rule of law, in particular human rights and international humanitarian law. The Council welcomed the statements issued by the chairman of the National Transitional Council concerning the need to refrain from reprisals and to protect vulnerable groups and former combatants. On 14 November, the Council adopted conclusions noting with concern reports of violations of human rights and international humanitarian law, including revenge attacks and summary executions, and welcomed the commitment of the Libyan authorities to put an end to such acts, to carry out thorough investigations and to ensure accountability.

The EU supported the establishment of an independent international Commission of Inquiry into Syria by the UN Human Rights Council. On 28 November, the High Representative welcomed the publication of the Commission's report and took note that, as well as identifying systematic violations of human rights, the report had concluded that members of the Syrian military forces had committed crimes against humanity. The High Representative condemned these crimes and called for a special session of the UN Security Council, which took place on 2 December. Throughout the violence in Syria, the EU repeatedly called for humanitarian access and on 21 September issued a statement regretting the death of a Red Crescent volunteer, Mr Hakam Draak al-Siba'i, who had died following an attack on his ambulance; the EU called on all parties to respect humanitarian workers and international laws governing the use of force and for the prosecution of the perpetrators of the attack.

In a statement on Camp Ashraf in Iraq on 9 December, the High Representative underlined that an orderly solution to the problem of Camp Ashraf must fully respect international humanitarian law.

The EU expressed its concern several times in 2011 concerning violations of international humanitarian law in Sudan. In May, the High Representative condemned the use of force against civilian targets in Abyei and called on all parties to take the necessary measures to protect civilians. In its conclusions of June, the Council condemned the violence and displacement of civilians in Southern Kordofan and deplored the military action taken by the Sudan Armed Forces in Abyei; the Council recalled the obligation of all parties to respect international humanitarian law and the need for accountability.

On 10 May, the High Representative issued a statement welcoming the publication of the report of the UN Secretary-General's Panel of Experts on Sri Lanka. The High Representative noted that the Panel had concluded that there were credible allegations that major violations of international humanitarian law were committed on all sides during the conflict. The EU encouraged the Government of Sri Lanka to engage with the Secretary-General concerning the report. In a statement of 16 December, the High Representative took note of the report of the Sri Lankan Lessons Learnt and Reconciliation Commission and noted that a careful study was necessary of the measures proposed in the report, including on the issue of accountability.

The annual EU NGO Forum held on 8 and 9 December had, as one of its two themes, "Boosting the implementation of the International Humanitarian Law Guidelines". The Forum included workshops on issues such as impunity; means of warfare; protection of civilians; protection of detainees; and humanitarian access. A full report on the Forum is available at: <http://www.eidhr.eu>.

The EU strengthened its advocacy for respect for international humanitarian law in the framework of EU humanitarian aid in 2011. On several occasions, Commissioner Kristalina Georgieva denounced violations of international humanitarian law and called on combatants to abide by the law and to protect those not taking part in hostilities, in particular by ensuring safe and secure access by neutral humanitarian organisations. During a visit to the Occupied Palestinian Territory on 15 May 2011, Commissioner Georgieva noted that forced displacement, combined with serious restrictions on access and movement imposed by the occupying power, denied the possibility of economic and social development to most of the people. The Commissioner underlined that the legitimate right of the Israeli people to live in peace and security did not absolve Israel of its obligation as occupying power to respect international humanitarian law. In November 2011, Commissioner Georgieva underlined the need to intensify dialogue with some developing countries which viewed humanitarian aid as an encroachment on their sovereignty with a view to broadening implementation of the norms and rules of humanitarian aid, including respect for international humanitarian law.

During 2011, the European Commission (DG ECHO) provided funding for the training of 108 humanitarian workers and policy-makers on international humanitarian law and for the development of a handbook. The Commission also provided financial support for a project, implemented by the Norwegian Refugee Council, to identify how humanitarian principles are applied in practice, with a view to strengthening their operationalisation, and a further 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. DG ECHO also launched an evaluation of humanitarian access strategies in EU-funded humanitarian interventions with a view to improving advocacy for the respect of international humanitarian law and humanitarian space.

The EU was concerned that the delivery of EU humanitarian aid could be impeded by anti-terrorist 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. In the light of the judgment of the US Supreme Court in *Holder v. Humanitarian Law Project*, which confirmed the constitutionality of provisions of US law prohibiting the provision of training in international humanitarian law to certain listed entities, the Commission addressed this issue with the US authorities at different levels.

## **Other thematic issues**

### **3.9. The ICC and the fight against impunity**

The EU has a strong tradition of supporting the fight against impunity for the most serious crimes of concern to the international community as a whole. There should be no safe haven for those who have committed the crime of genocide, crimes against humanity and war crimes. To this end the EU and its Member States have continued to give strong support – both politically and diplomatically, as well as logistically and financially – to the effective functioning of the International Criminal Court (ICC) and other criminal tribunals, for instance, the ad hoc international tribunals for the former Yugoslavia and Rwanda, the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, and the Special Tribunal for Lebanon. The entry into force of the Lisbon Treaty has contributed to more consistent action in this area. The NGO community remains a valuable ally in these efforts.

As pledged at the Kampala Review Conference (31 May to 11 June 2010), the EU updated its Common Position 2003/444/CFSP by Council Decision 2011/168/CFSP, adopted on 21 March 2011, which repealed and replaced it. The objective of the new Council Decision is to advance universal support for the Rome Statute by promoting the widest possible participation in it, to preserve the integrity of the Statute, to support the independence of the Court and its effective and efficient functioning, to support cooperation with the Court, and to support the implementation of the principle of complementarity.

In accordance with the Council Decision, a revised Action Plan was adopted on 12 July 2011. It consists of five sections:

- a) coordination of the Union's activities to implement the objectives of the Decision;
- b) universality and integrity of the Rome Statute;
- c) independence of the Court and its effective and efficient functioning;
- d) cooperation with Court, and
- e) implementation of the principle of complementarity.

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

An effective system of international justice is based on the widest possible participation of State Parties to the Rome Statute. Grenada, Tunisia as well as the Philippines, the Maldives, Cape Verde and Vanuatu joined the circle of States Parties to the Rome Statute from different continents, bringing their number to 120. The EU remained committed to promoting universality as part of its firm engagement to the Court, and it does so through diplomatic démarches, the personal involvement of the High Representative, the insertion of clauses in EU agreements with non-EU countries, and support for the Court and civil society. The EU has continued to coordinate efforts with non-EU States such as Canada, Japan, Australia, Brazil and South Africa. This partnership has allowed the EU to be more efficient and find synergies in the effective promotion of the Court.

In 2011, the EU carried out actions in support of the universality and implementation of the Rome Statute in the following countries and regional organisations: ASEAN, Armenia, Bahamas, Cambodia, Cameroon, China, Democratic Republic of Congo (Brazzaville), Egypt, El Salvador, Guatemala, Jamaica, Kazakhstan, Kuwait, Kyrgyzstan, Mongolia, Morocco, Nepal, Qatar, Thailand, Togo, Turkey, Ukraine, and Vietnam.

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

The European Network of Contact Points in respect of persons responsible for genocide, crimes against humanity and war crimes is a network of national prosecutors specialised in those crimes. During 2011, it held its 10th and 11th meetings, in April and November respectively. These meetings focused, among other topics, on cooperation between states and between states and international tribunals, the application of extraterritorial jurisdiction by Member States, and the protection of witnesses.



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

ICC: case study on Kenya

The 2007 Kenya's disputed election resulted in violence and more than thousand deaths, several hundreds sexually assaulted and thousands more made homeless. An investigation by the International Criminal Court (ICC) led to the confirmation of charges against 4 of the 6 people named by the Prosecutor as suspected of bearing the most responsibility for the violence.

Since the beginning of the ICC hearings in April 2011, the EU has consistently held that justice, reconciliation and accountability are pivotal for the lasting stability of Kenya and that the ICC proceedings are an important contribution to this end. In this context, the High Representative had publicly stressed the importance of the named individuals to continue to co-operate fully with the ICC, as well as the Government of Kenya to respect its obligations as a State Party to the Rome Statute of the ICC.

Civil society in Kenya has been instrumental in bringing those implicated in the post-election violence to justice. With support from the EIDHR, the Kenyan Section of the International Commission of Jurists (ICJ Kenya) – an NGO which has been working in Kenya and around Africa for the promotion of human rights, the rule of law and democracy for more than 50 years – has been assisting in this process through the application of legal expertise and international best practices. ICJ Kenya makes it clear that the ICC process is judicial and not political. The promotion of a wider understanding of international criminal justice equally entails ICJ Kenya's firm call for consistency in the implementation of ICC decisions also beyond the Kenyan situation. Most prominently, the Kenyan High Court issued – upon the application of ICJ Kenya – a provisional national arrest warrant against Sudanese President Omar Al-Bashir (who is under two ICC arrest warrants for genocide, crimes against humanity and war crimes allegedly committed in Darfur), in case he should ever travel to Kenya again.

### **3.10. Human rights and terrorism**

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

The EU reaffirmed in statements in the United Nations the importance of ensuring respect for human rights in the fight against terrorism. In the EU statement to the UN High Level Symposium on International Counter-Terrorism Cooperation on 20 September 2011, the High Representative underlined that security is always closely linked to democracy and functioning institutions.

The EU continued to conduct a detailed dialogue with the US State Department Legal Adviser on international law and counter-terrorism. The EU reiterated its call for the closure of the Guantánamo Bay detention facility on the grounds that it regards prolonged detention of the Guantánamo detainees without trial as impermissible under international law. In an "urgency" debate before the European Parliament on 9 June 2011, the High Representative noted that the EU was concerned at the possibility of any individual detained at Guantánamo facing the death penalty. The High Representative noted that the EU was carefully monitoring the proceedings against Muhammed al-Nashiri and five other people accused of complicity in the terrorist attacks of 11 September 2001, and would regularly raise its concerns with regard to the death penalty and the fairness of the trials with the US authorities.

The EU provided financial support for a United Nations project to develop a regional action plan in Central Asia for the implementation of the UN Global Counter-Terrorism strategy, in which respect for human rights played an important role. The EU also provided technical support to a number of countries worldwide to improve the capacity of their police and criminal justice systems to investigate and prosecute terrorist offences in accordance with the rule of law and human rights. The May 2011 joint Communication of the European Commission and the High Representative, "A new response to a changing neighbourhood", noted the importance of cooperation with European Neighbourhood Partnership countries on fighting terrorism and underlined that the EU was willing to deploy rule of law missions to support partner countries' efforts to reform their justice and security sectors.

The EU participated in the launch of the Global Counter-Terrorism Forum (GCTF) in September 2011. At its launch, the GCTF adopted the "Cairo Declaration on Counter-Terrorism and the Rule of Law: Effective Counter-Terrorism Practice in the Criminal Justice Sector".

### **3.11. Freedom of expression including 'new media'**

Freedom of expression as enshrined in the European Convention on Human Rights entitles everyone to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The EU is committed to fight for the respect of freedom of expression and to guarantee that pluralism of the media is respected.

During her declaration on World Press Freedom Day, 3 May 2001, High Representative Catherine Ashton called on all states to proactively promote freedom of opinion and expression as well as media pluralism and independence.

The EU considers that censorship and harassment of journalists are unacceptable and has been vocal in raising its concerns over attacks, arrests and restrictions on the work of journalists. For example on 4 May 2011 the High Representative publicly declared her deep concern about the detention of Mr Andrzej Poczobut, a correspondent for the Polish newspaper Gazeta Wyborcza, in Belarus, and on 27 December 2011 she expressed the EU's serious concern at the judgment and sentencing of Swedish journalists Martin Schibbye and Johan Persson under the Ethiopian Anti-Terrorism Proclamation.

In other cases, where the EU conducted human rights dialogues with third countries, such as with China or Vietnam, it raised the issue of freedom of information and media bilaterally and expressed its concerns about the harassment and persecution of independent bloggers, journalists and others who express their political views.

In 2011 the EU continued to stand ready to cooperate with other like-minded countries in promoting freedom of expression and access to information, including via the internet, and to explore the possibilities of building a consensus on internet policies. The G8 confirmed this through the Deauville Declaration on Renewed Commitments for Freedom and Democracy and the Deauville Declaration on the Arab Spring. Several countries and organisations are currently working on relevant initiatives supporting free expression on the internet.

The EU fully shares the view that the internet is an important avenue for promoting freedom of expression. As an offspring of the Joint Communication "A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean" the Commission undertook to develop tools to allow the EU, in appropriate cases, to assist civil society organisations or individual citizens to circumvent arbitrary disruptions to access to electronic communications technologies, including the internet. The EU has recently released the "No Disconnect Strategy" created to uphold the EU's commitment to ensure that internet and other information and communication technology (ICT) can remain a driver of political freedom, democratic development and economic growth. The objective is to provide ongoing support to internet users, bloggers and cyber-activists living under authoritarian regimes.

The EU is firmly opposed to any unjustified restrictions of access to the internet and other new media, as it has repeatedly stated, for example in the Foreign Affairs Council conclusions on Egypt in January 2011, in which it called upon the Egyptian authorities to restore all communication networks without delay and to guarantee unhindered access to all media, including the internet.

During 2011 the EU also applied restrictive measures to fight for freedom of expression. In its recent GSP+ investigation into Sri Lanka, one of the reasons which led the Commission to propose that the GSP+ should be withdrawn was the strong verbal attacks by the government on journalists combined with a failure to take effective action to protect them against physical violence. In its subsequent negotiations with the Government of Sri Lanka concerning the GSP+, the Commission called on the Government to release the imprisoned journalist, Mr J.S. Tissainayagam, as well as to take steps to ensure that journalists could exercise their professional duties without harassment.

The EU also provides financial support to strengthen media freedom, under the European Instrument for Democracy and Human Rights, to a large number of international and local civil society organisations working to promote media freedom and combat violations of journalists' rights (at least 30 ongoing projects in 2011). Projects supported by the EU aimed at increasing the professional capacities of journalists; providing urgent protection needs; promoting freedom of expression in law and in practice; changing national legislation on mass media according to international standards, and monitoring violations of journalists' rights.

### **3.12. Freedom of association and assembly**

As enshrined in the Charter of Fundamental Rights of the European Union, everyone has the right to freedom of peaceful assembly and to freedom of association at all levels.

The EU is firmly opposed to any unjustified restrictions on the right to freedom of peaceful assembly. For example, in January 2011 the High Representative expressed great concern over reports that peaceful demonstrators in Egypt had been violently attacked by armed individuals, and urged the Egyptian authorities to immediately take the necessary measures to ensure that the law enforcement authorities protected the demonstrators and their right to assemble freely.

Moreover, in a statement on 17 February 2011, the High Representative publicly deplored the violence against peaceful demonstrators in Bahrain, and called on the Bahraini authorities to fully respect and protect the fundamental rights of their citizens, including the right to assemble peacefully.

Freedom of association is a freedom under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. A strong civil society is crucial to allow respect for human rights to be advocated, and also for democratic advancement. Civil society was instrumental in bringing about the changes witnessed as a result of the Arab spring. The EU is deeply concerned by developments in 2011 with regard to the civil society situation in several countries; the presence of NGOs strengthens democracy, particularly in societies experiencing a democratic transition. The EU continued to support the rights of civil society and called on governments of third countries to protect and work together with them. For example on 30 December 2011 the High Representative called on the Egyptian authorities to allow civil society organisations to continue their work in support of Egypt's transition.

In other cases, where the EU conducted political and human rights dialogues with third countries, such as Algeria, the EU raised the issue of freedom of association bilaterally and highlighted the need to enact legislation in accordance with international standards.

In 2011 the EU continued to cooperate with international organisations in promoting freedom of peaceful assembly and association. The EU underlined the need for the UN Human Rights Council to maintain its focus on freedom of association and assembly, 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 appointment of Mr Maina Kiai (Kenya) on 1 May 2011 as UN Special Rapporteur on the rights to freedom of peaceful assembly and of association.

The EU also uses public diplomacy to promote rights to freedom of peaceful assembly and of association; for example, it organised several seminars and workshops for young people in Russia's regions, devoted to international and Russian legal standards concerning the right to freedom of assembly.

The EU provided financial support to a number of international and local civil society organisations during 2011 under the European Instrument for Democracy and Human Rights, to strengthen freedom of peaceful assembly and association. Projects supported by the EU aimed at developing monitoring systems for freedom of association, promoting legal standards concerning the right to freedom of assembly, raising public awareness on the right to freedom of association and networking towards a more effective promotion and protection of the said rights.



### **3.13. Freedom of thought, conscience and religion or belief**

Whereas 2011 witnessed a surge in acts of religious intolerance and discrimination, epitomised by violence and terrorist attacks in various countries worldwide, the EU remained dedicated to the promotion and protection of freedom of thought, conscience and religion or belief (FoRB). This freedom protects the right to have theistic, non-theistic and atheistic beliefs, as well as the right to not profess any religion. It also covers the right to adopt, change or abandon one's religion or belief of one's own free will.

The EU takes the view that the defence of such universal principles is essential to the development of free societies.

Discrimination based on religion or belief is a long-lasting concern in all regions of the world, and persons belonging to particular religious communities continue to be targeted in many countries. Moreover, legislation on defamation of religions has often been used to mistreat religious minorities and to limit freedom of opinion and expression as well as freedom of religion or belief, which are intrinsically linked. Freedom of expression also plays an important role in the fight against intolerance.

In line with its previous conclusions of 16 November 2009, the General Affairs Council adopted conclusions on 21 February 2011, reaffirming the EU's strong commitment on FoRB, and recalled that it needs to be protected everywhere and for everyone. They stressed the fact that it is the primary duty of States to protect their citizens, including persons belonging to religious minorities, as well as all people living in their jurisdiction, and safeguard their rights. All persons belonging to religious minorities should be able to practice their religion and worship freely, individually or in community with others, without fear of intolerance and attacks.

Subsequently, the EU reminded all EU Delegations, that they had, alongside with Member States diplomatic missions, a crucial role to play in making tangible positive impact as regard respect for FoRB in third countries where this fundamental human right is violated. EU Delegations were therefore formally asked to conduct actions to raise awareness among EU diplomats on the issue; to engage with the authorities of the partner countries on a systematic manner on FoRB, especially those where it is seen as a major issue; to develop contacts with local human rights defenders working on such rights. Throughout the year, Delegations have also been engaged in close monitoring of restrictions to FoRB in their respective host countries. Their assessments of the local situations, provided on more than 100 countries, shall be used in 2012 by the HRVP in the report that will be presented before the Council on measures taken on FoRB and on concrete proposals to further strengthen the EU action in this regard.

In 2011, the EU made an increased use of existing tools at bilateral and multilateral levels to more effectively promote and protect freedom of religion or belief. The ad hoc COHOM Task Force on FoRB carried on supporting the implementation of the EU's enhanced actions and helped to develop guidance for the use of the EU diplomats. The topic has been included in the human rights training provided to the EU staff, including by a specific course on freedom of expression and freedom of religion or belief held in November 2011.

In relations with non-EU countries, freedom of thought, conscience and religion has been systematically raised with a high number of interlocutors at different levels of political dialogue, including in human rights dialogues and consultations, such as with Algeria, China, Egypt, India, Indonesia, Pakistan, Turkey, Vietnam, the USA and the African Union.

The EU has engaged bilaterally with various countries on the crucial importance of this universal human right, and explored possibilities of further cooperation, including at the multilateral forums. Under these dialogues the EU has voiced its concerns regarding the implementation of this right and the situation of religious minorities. Whenever prompted by serious violations and concerns regarding religious freedom and related intolerance and discrimination, the EU has expressed its views via diplomatic channels, public statements and Council Conclusions, as for instance in the cases of Egypt, Nigeria, Iran, Iraq and Pakistan. It has continued to advocate full respect for the freedom of thought and conscience, in line with international standards. Furthermore, the current process of establishing country human rights strategies will allow to focus EU action and attention in countries where FoRB is a priority.

EU action has also concerned the multilateral level, notably in the Human Rights Council in Geneva and at the United Nations General Assembly in New York. Priority was given to the consolidation of the consensus on the need to fight religious intolerance, whilst avoiding the concept of defamation of religion to be claimed as a human rights standard. Such a notion, which aims at protecting religion in itself rather than persons discriminated because of their religion or belief is detrimental to other core human rights, such as freedom of expression, and indeed on the right to freedom of religion or belief itself. At the 16th session of the Human Rights Council, in march 2011, an important breakthrough was achieved with the adoption by consensus of resolution 16/18: for the first time, the Organisation of Islamic Cooperation (OIC) did not include the concept of defamation of religion in its resolution, now entitled "Combating intolerance, negative stereotyping and stigmatisation of, and discrimination, incitement to violence and violence against persons based on religion or belief". Efforts by Pakistan and the United States of America, with active EU support, were instrumental in achieving this result. The traditional EU resolution on freedom of religion or belief was also adopted without a vote (resolution 16/13).

HRVP Ashton and several Foreign Affairs ministers from EU Member States joined the Istanbul meeting (launching of the so called "Istanbul process") convened in June 2011 by the OIC and the USA on the fight against religious intolerance, whose objective was to consolidate the gains obtained in Geneva in view of the forthcoming 66th session of the United Nations General Assembly. The OIC/USA Co-Chairs communiqué called for implementation of resolution 16/18 whilst referring also to the other resolutions on FoRB adopted by consensus.

At the UNGA 66th session, the EU aimed at consolidating achievements of previous years regarding its own resolution on the elimination of all forms of intolerance and of discrimination based on religion or belief and, at the same time, ensuring confirmation of the consensual approach taken by the OIC in Geneva. Such objectives were met with the adoption without vote on 19 December 2011, of EU sponsored resolution 66/168, and of OIC sponsored resolution 66/197 on combating intolerance, negative stereotyping, stigmatisation, discrimination, incitement to violence and violence against persons, based on religion or belief.

### **3.14. Lesbian Gay Bisexual Transgender Intersex Persons**

Around the world, in 2011 gender identity and sexual orientation continued to be used wrongly as the pretext for serious human rights violations. Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) persons continued to be subjected to persecution, discrimination and gross ill-treatment, often involving extreme forms of violence. Around 80 states still criminalised same-sex relations between consenting adults, and seven even decreed the death penalty.

The EU is strongly committed to the entitlement of all persons to enjoy the full range of human rights without discrimination. As a mark of this commitment, and to provide the EU staff with an operational set of tools 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".

On 17 May 2011, the International Day against Homophobia, High Representative Catherine Ashton issued a declaration on behalf of the EU reaffirming "the strong commitment of the European Union – and (herself) – to the entitlement of all persons to enjoy the full range of human rights without discrimination".

In 2011, the EU continued to be actively engaged in multilateral efforts, particularly within the UN, to tackle discrimination, including on the basis of sexual orientation or gender identity. The EU warmly welcomed the Joint Statement entitled "Ending acts of violence and related human rights violations based on sexual orientation and gender identity" on behalf of 85 countries from every continent, at the UN Human Rights Council on 22 March 2011. Fifteen EU Member States were part of the group that worked to prepare this statement, and all EU Member States gave their full support to this initiative.

The EU also warmly welcomed the groundbreaking resolution on human rights, sexual orientation and gender identity (tabled by South Africa), which was adopted with 23 votes in favour at the UN Human Rights Council on 17 June 2011. The Member States of the European Union that are members of the Human Rights Council voted in favour of the resolution, and the vote was agreed by the European Union as a whole.

At the United Nations in New York, the EU welcomed the OHCHR's activities on LGBT issues and, as a member of a cross-regional LGBT core group, contributed to raising awareness and building support for this issue. The EU actively participated in organising a side event at the UN in New York on 8 December 2011 - entitled "Stop Bullying, Ending Violence and Discrimination Based on Sexual Orientation and Gender Identity".

At regional level, the EU continued to support the work of the Council of Europe on the human rights of LGBT people, in particular through the Council of Europe Recommendation on Measures to Combat Discrimination on Grounds of Sexual Orientation and Gender Identity, adopted on 31 March 2010.

At bilateral level, the EU continued to use its human rights dialogues with third countries for the promotion of non-discrimination vis-à-vis LGBTI persons, and several public statements/démarches were used to mark the EU's stance on LGBTI issues, including against homophobic actions and in favour of decriminalisation of homosexual relations.

Through the European Instrument for Democracy and Human Rights, the EU continued to support several organisations defending the rights of LGBTI persons or protecting LGBTI human rights defenders by empowering them to challenge homophobic laws and discrimination against LGBTI persons, raising awareness among the public at large about the discrimination and violence experienced by sexual minorities, combating it and providing emergency assistance (from psychosocial and medical, to mediation and reintegration assistance) to the most vulnerable LGBTI persons in need of such support.

A resolution submitted by South Africa on "Human rights, sexual orientation and gender identity" (A/HRC/17/L.9/Rev.1) was adopted by 23 votes to 19 with 3 abstentions in the UN Human Rights Council on 17 June 2011. This is the first time that any United Nations body has approved a resolution affirming the human rights of LGBTI people.

Recalling the universality of human rights, the resolution includes an expression of grave concern about acts of violence and discrimination that are committed against individuals because of their sexual orientation or gender identity.

The operational provision of the resolution instructs the office of United Nations High Commissioner for Human Rights, Navi Pillay, to commission the first UN study, by December 2011, on discriminatory laws and practices and acts of violence that have taken place against individuals based on sexual orientation and gender identity around the world. The resolution also decides to convene a panel during the 19th session of the Human Rights Council to discuss the facts contained in this study and the appropriate follow-up to the recommendations of the study.

### **3.15. Human rights and business, including CSR**

There were numerous significant developments in EU policy on business and human rights both internally and in the EU's external relations.

In October 2011 the European Commission adopted a new Communication "A renewed EU strategy 2011-14 for Corporate Social Responsibility (CSR)", which places a strong emphasis on human rights in the CSR concept, and makes various references to the UN Guiding Principles on business and human rights. In particular, the European Commission specifically lists human rights as one of the issues that enterprises should integrate into their operations and strategy in order to meet their social responsibility, recognises the UN Guiding Principles as one of the core set of internationally recognised CSR guidelines and principles, and states its expectation that all European enterprises should observe the corporate responsibility to respect human rights as defined in the UN Guiding Principles.

The European Commission also envisaged concrete actions on business and human rights to be undertaken in 2012-2013. It has launched a process to develop human rights guidance in three business sectors (employment and recruitment agencies, ICT, and oil and gas), as well as for small and medium-sized enterprises, based on the UN Guiding Principles. It has also undertaken to publish a report on EU priorities for the implementation of the UN Guiding Principles, and will raise understanding of the challenges that companies face when operating in countries where the state does not fully meet its duty to protect human rights. The European Commission has also invited Member States to establish their own national plans for the implementation of the UN Guiding Principles. The Commission has offered them help with this.

The Commission also published a study on responsible supply chain management at the beginning of 2011, with particular reference to the UN framework on business and human rights. This study selected five supply chain management issues and mapped them against three industrial sectors that are important for the EU. The Commission is working with the resulting recommendations.



Throughout the year, the EU was an active supporter of business and human rights initiatives in multilateral forums. The EU was a strong supporter of the "UN Guiding Principles on Business and Human Rights Implementing the United Nations 'Protect, Respect and Remedy' Framework". In January 2011, the EU provided its comments on the draft UN Guiding Principles and then supported their endorsement by the Human Rights Council in Geneva in June 2011. The EU expressed readiness to cooperate closely with the recently established UN Working Group on the issue of human rights and transnational corporations and other business enterprises responsible for promoting the effective dissemination and implementation of the UN Guiding Principles. The EU submitted a contribution with proposals before the Working Group's first meeting in January 2012 to discuss its work programme. The EU also contributed to the update of the OECD Guidelines for Multinational Enterprises, adopted in May 2011, which integrate the UN business and human rights framework into a new chapter on human rights and the concept of due diligence in the supply chain. The OECD Guidelines will then be the reference for the EU's expectations of responsible business conduct in the context of the EU's trade and investment policy. The EU also supported additional initiatives at the multilateral level, eg the UN Global Compact (ie the business platform – launched by then UN Secretary-General Kofi Annan – bringing together companies that are committed to aligning their operations and strategies with ten universally accepted principles in the areas of human rights, labour, the environment and anti-corruption).

The EU also addressed business and human rights in bilateral relations with third countries. Some initiatives include: a civil society seminar in Bangladesh on human rights and decent work, a civil society seminar in Chile on human rights and corporate responsibility, and an expert seminar on CSR in Singapore. The EU also discussed business and human rights with a number of third countries in the framework of the regular human rights dialogues. Finally, through the European Instrument for Democracy and Human Rights, the EU supported actions led by civil society organisations aimed at promoting the observance and respect of human rights by European companies operating in third countries. As an example, the European Instrument for Democracy and Human Rights (EIDHR) is supporting the Clean Clothes Campaign, an alliance of organisations in 15 European countries, in implementing a project aimed at increasing the respect for economic and social rights in the global supply chains of internationally operating garment companies in over 30 countries.

Two more projects funded under the EIDHR include the question of business and human rights in their activities. A global project targeting 70 countries aims to reinforce the capacities of local land-rights defenders to defend their rights over natural resources, to denounce the lack of transparency regarding contracts between states and private companies, and to engage with governments and extractive industries in countries where conflicts over resource extraction take place. Similarly, a project on defenders of indigenous peoples' rights in South-East Asia includes a specific plan to carry out a thematic Study on Corporate Social Responsibility, Human Rights and Indigenous Peoples, where many problems with land issues exist.

The United Nations Guiding Principles on Business and Human Rights are the culmination of six years of work led by Professor John Ruggie, who served as the UN Secretary-General's Special Representative for Business and Human Rights from 2005 to 2011. The UN Guiding Principles provide standards to ensure that enterprises do not contribute to the infringement of human rights. The Guiding Principles are structured in three distinct but interrelated pillars: the state's duty to protect against human rights abuses by third parties, including business, through appropriate policies, regulation and adjudication; the corporate responsibility to respect human rights, in essence meaning to act with due diligence to avoid infringing the rights of others; and the need for greater access by victims to effective access to remedy, both judicial and non-judicial.

### **3.16. Democracy support**

#### A new European Neighbourhood Policy

The Joint Communication of the High Representative of the EU for Foreign Affairs and Security Policy and the European Commission "A new response to a changing Neighbourhood" of 25 May 2011 outlines the EU's new vision for the European Neighbourhood Policy. It is based on mutual accountability and a shared commitment to the universal values of human rights, democracy and the rule of law. It involves a much higher level of differentiation, in line with a "more for more" principle, allowing each partner country to develop its relationship with the EU as far as its own aspirations, needs and capacities allow, with increased EU financial assistance to those countries engaged in bold reforms.

The new policy framework provides in particular for support for "deep democracy" and partnership with societies, supporting their sustainable economic and social development, growth and job creation, strengthening trade ties, promoting further mobility and enhancing regional partnerships. An € 26.4 million Civil Society Facility aiming to strengthen the capacity of civil society to promote reform and increase public accountability in the Neighbourhood was launched in September 2011.

In response to the Arab spring, the EU took immediate steps to respond rapidly and effectively to the challenges of the evolving situation, consisting in particular of humanitarian and civil protection assistance for the region (to date € 80.5 million), as well as of a range of support measures for democratic transition and assistance to impoverished areas. In particular, in 2011 the EU provided significant support for elections in Tunisia, Morocco and Egypt.

The European Instrument for Democracy and Human Rights provided extraordinary support in Tunisia, Libya and Egypt, using the flexibility available to support the media, political parties, and civil society active in the domestic observation of elections, amongst others.

Other initiatives, notably the European Endowment for Democracy, are expected to be operational shortly.

## The Agenda for Change

Building on the 'Agenda for Action' and the ENP review, the new development cooperation policy – the 'Agenda for Change' - introduces a differentiated EU approach towards partner countries, and seeks to focus future cooperation in two priority areas:

- human rights, democracy and other key elements of good governance; and
- inclusive and sustainable growth for human development.

The Agenda for Change stipulates that "good governance, in its political, economic, social and environmental terms, is vital for inclusive and sustainable development. EU support for governance should feature more prominently in all partnerships, notably through incentives for results-oriented reform and a focus on partners' commitments to human rights, democracy and the rule of law and to meeting their peoples' demands and needs."

Respect for ownership, dialogue between partners and a focus on incentives for result-oriented reforms are the main principles of EU support for democratic governance. Experience shows that we need to go beyond government ownership and build rather on broad democratic ownership or at least support its emergence.

Based on the principles of differentiation between the partner countries, the EU's approach must rely on the right mix of instruments and aid modalities at country level. For instance, partner countries that show a clear commitment and progress in the field of respect for human rights and democratic reform may benefit from the EU's general budget support modality.

On 7 December the Commission presented its proposal for the next Multiannual Financial Framework (MFF) 2014-2020. The budget proposals aim at supporting the Commission's new approach - the "Agenda for Change"- to focus EU aid in fewer sectors, supporting democracy, human rights and good governance, and creating inclusive and sustainable growth. This together with the "more for more" approach would potentially provide additional funding opportunities for democracy support, through all geographic instruments (European Neighbourhood Instrument, Development Cooperation Instrument) as well as the European Development Fund.

### **3.17. Election support**

The European Union believes that a genuine, transparent and peaceful electoral process is an essential basis for enjoyment of human rights, sustainable development and a functioning democracy. The EU is one of the leading global actors in supporting elections; the approach followed is outlined in the 2000 Commission Communication on Election Assistance and Observation. The main components of EU election support are EU Election Observation Missions (EOM) and Electoral Expert Missions (EEM) as well as electoral assistance, and support for domestic non-partisan observers. There are important complementarities between the objectives of these activities, as the outcome and recommendations of the EOMs and EEMs are integrated into future electoral assistance and broader democracy support.

### **3.18. Election observation missions (EOMs)**

The list of the EOM priority countries was established by the decision of the High Representative following consultation with the European Parliament (Election Coordination Group) and Member States (Political and Security Committee, PSC). Ten EU Election Observation Missions took place in 2011, providing in-depth evaluation of the processes, giving confidence to voters, and developing detailed and constructive recommendations on how to improve the framework and conduct of future elections and strengthen democratic institutions.

The EU assessment mission analysed the voter registration exercise in Sudan from 15 November 2010 to 8 January 2011 and concluded that it happened in a generally satisfactory manner. The assessment and findings on voter registration contributed to the analysis of the EU EOM deployed to observe the referendum in Southern Sudan taking place from 9 to 15 January 2011. 104 observers were deployed as part of the mission led by Véronique de Keyser MEP, and assessed the referendum as credible and well organised.

The EU EOM observed both presidential and parliamentary elections in Niger, with the first round on 31 January 2011. The Chief Observer was Santiago Fisas Ayxelà. Forty observers were deployed in the country. Both rounds of the presidential elections and the legislative elections went well, in terms of organisation of the elections and politically. The EOM had a key role in adding credibility to this crucial poll, aiming at a military junta voluntarily relinquishing power to a civilian government.

The EOM led by Louis Michel MEP observed the legislative elections which took place on 13 February in Chad, where 70 observers were deployed throughout the country. The electoral process was led by an Election Commission which faced difficulties in terms of capabilities, and the overall competitiveness of the elections needs to be strongly increased in the future. Nevertheless, thanks to some improvements in the electoral process since the last elections, the political opposition found more room to compete in the process and is better represented in parliament. The EOM was instrumental in this global improvement of the process.

Uganda's second multi-party elections held on 18 February 2011 were observed by an EOM composed of 110 observers led by Edward Scicluna MEP. The elections showed some improvements since the previous elections in 2006. However, the electoral process was marred by avoidable administrative and logistical failures which led to an unacceptable number of Ugandan citizens being disenfranchised. Furthermore, the power of incumbency was exercised to such an extent as to compromise severely the level playing field between the competing candidates and political parties.

A 120-strong EU EOM was deployed for the elections in Nigeria during April 2011 under the leadership of Alojz Peterle MEP as Chief Observer. The EU EOM was able to conclude that the presidential elections had been the most credible elections organised in Nigeria since the restoration of democracy. The intervention of the EU EOM was critical when elections had to be delayed by one week due to logistical problems, and helped to ensure that the credibility of the electoral authorities was restored. It also helped in making the response of the international community coherent and consistent.



An EU EOM observed the second round of the presidential elections that took place on 5 June in Peru. The Chief Observer was José Ignacio Salafranca MEP. The electoral process was conducted with transparency, professionalism and dedication by the local electoral authorities. The cooperation between the EU and the Organisation of American States was very good and can be highlighted as a case of good practice. The visibility of the EU mission was particularly high in the country, thus contributing to the strengthening of political ties between the EU and Peru.

An EU EOM led by Michael Gahler MEP, with the participation of 163 observers, was deployed to monitor the first democratic elections in Tunisia held on 23 October. The mission concluded that the elections to the Constitutional Assembly represented an encouraging step toward democracy in spite of shortcomings regarding the transparency of the process. In the context of these elections the EU observed out-of-country voting for the first time.

The EU EOM led by Maria Muñoz de Urquiza observed the presidential and parliamentary elections held on 20 September in Zambia. The mission deployed 120 observers. These elections were organised in a transparent and credible manner, according to the observations of both the EU EOM and other international and regional election observation missions that were present. Regional principles and international commitments to hold periodic and genuine elections were mostly respected, but reform of key aspects of the electoral framework is required to meet them in full for future elections.

In the context of the elections on 6 November in Nicaragua, the EU deployed an EOM, led by Luis Yáñez MEP, composed of 90 observers. The mission assessed that that the electoral process fell below international norms in the area of democratic elections, in particular due to the lack of independence of the electoral management body and the non-accreditation of the main observer groups and representatives of the main opposition party.

On the occasion of the presidential and parliamentary elections on 28 November in the Democratic Republic of the Congo the EU deployed 147 observers as part of the mission led by Mariya Nedelcheva MEP. The EOM praised the strong mobilisation of the population for these second multi-party elections, but regretted the inadequate preparation and handling of the process. In particular, the lack of transparency in key stages of the process, such as the counting and aggregation of results, undermined the credibility of these elections.

The EP delegation participated in all EU EOMs, adding visibility and providing a valuable contribution in terms of assessment of the missions.

The EU made an increased effort to raise the recommendations of the EOMs at the political and technical level, with a view to encouraging authorities to implement the necessary reforms. Follow-up to EOMs is an essential part of wider support for democracy by the EU.

### **3.19. Election expert missions (EEMs)**

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

During 2011 eight election expert missions were sent to Haiti (March), Benin (March and April), Thailand (June and July), Guatemala (September and November), Liberia (October and November), Gambia (November), Morocco (November), and Côte d'Ivoire (December).

### **3.20. Electoral assistance (EA)**

In 2011, the EU continued to provide electoral assistance to a number of countries including Haiti, the DRC, Tunisia, Zimbabwe, and El Salvador. Without reducing its worldwide effort and focus, the EU has been strengthening its support for the wave of democratisation that is taking place in the southern Mediterranean and the Middle East. Support is being provided or prepared for the democratic reform processes in Jordan, Libya and Egypt.

Over the last seven years (2005–2011), the EU has spent nearly € 700 million, or about € 100 million per year, on electoral assistance. The funds come from geographical instruments such as the EDF (European Development Fund), the ENPI (European Neighbourhood and Partnership Instrument, and the DCI (Development Cooperation Instrument). They also come from the IfS (Instrument for Stability) and the EIDHR (European Instrument for Democracy and Human Rights). EU electoral assistance provides capacity–building and technical and material support to electoral processes in nearly 60 countries. Almost two thirds of the support was geared towards Sub–Saharan Africa. A big part went to post–conflict countries such as the DRC, Afghanistan, Sudan, Côte d'Ivoire and Iraq. EU electoral assistance programmes do not tackle the election event, but rather follow an electoral cycle approach.

They are, in most cases, wide and comprehensive, including technical assistance as well as material support for electoral operations. In terms of beneficiaries, the EMBs (electoral management bodies) are supported, along with the main stakeholders in an electoral process: civil society, political parties, media, parliament/ministries in charge of legal reform, and security agencies. Such widespread support builds on the idea that stakeholders' full and responsible involvement in an electoral process allows for shared ownership and can contribute to general acceptance of the process and its outcomes.

Increasingly, also due to the frequent adoption by partner countries of biometric data collection systems, voter registration requires a special focus, and in some cases a programme on its own. This leads, in some contexts, to the designing of programmes that can, at the same time, support voter registration and foster the modernisation of the civil registry.

Knowledge and policy development, as well as collaboration with the main players in the electoral assistance domain, continue to be priorities for the EU. A thematic workshop on "Elections, violence and conflict prevention" took place in June 2011, involving representatives of electoral commissions of many developing countries. The workshop, organised in collaboration with UNDP, produced a comprehensive summary report. General training on electoral assistance programmes implemented by UNDP in the context of the Strategic Partnership Agreement between the UN and the EU was also organised at the beginning of 2011.

### Case Study - Support to the Liberian Electoral Cycle 2010-2012

€ 7 million EU contribution to a joint donors basket fund (managed by UNDP)

After over a decade of civil war, Liberia started its way to recovery in 2003 following the Accra peace agreement. 2011 presidential and legislative elections, second elections held since the war, represented a major step towards the consolidation of democracy in the country.

The EU electoral assistance programme in Liberia aims at deepening the democratisation process by supporting the NEC (National Election Commission) and core electoral stakeholders throughout the electoral process, contributing to electoral reform and enhancing the links between elections and parliamentary development.

Overall, the project contributed significantly to the administration of the elections in a challenging legal framework and logistical environment, with little technical difficulties. NEC showed lead and ownership throughout the project implementation. A satisfactory collaboration was facilitated by embedding the project's technical experts within NEC's premises, which allowed for a good degree of competence transfer. Coordination among international partners and complementarity of electoral support gave satisfactory results.

On the other hand, important lessons learned on ways to improve the process can be drawn from areas such as women's participation in elections and civic education.

The project continues till end of 2012 with post-electoral activities, thus following an electoral cycle approach. Capacity development, institutional review of the NEC and building on lessons learned during election operations, are the main focus on this current year. Key findings and recommendations by the EU Election Expert Mission (EEM) will be fed into this exercise.

### **3.21. European Endowment for Democracy**

The establishment of a European Endowment for Democracy has been discussed among EU Foreign Ministers since the beginning of 2010, when the idea was advanced by the Polish Foreign Minister. On 25 May, the Endowment was included in the Communication on a new approach to the European Neighbourhood. The Foreign Affairs Council issued conclusions on the Endowment on 20 June and 1 December, thus confirming the political support for the initiative. On 15 December, all the Member States agreed to a joint statement containing the main principles for the Endowment, which should be set up as an autonomous grant-making body that could support those peacefully struggling for democratisation in political transition countries. The Endowment would have an initial, although not exclusive, focus on the Neighbourhood. On the basis of the statement, a working group will be created in early 2012 to agree on the statutes and rules of functioning for the Endowment. The working group will be chaired by the EEAS and all Member States, the Commission and the European Parliament (*EED rapporteur* MEP Lambsdorff) will be invited to participate.

### **3.22. Work with Parliaments worldwide**

Effective democratic parliaments play a central role in the quality and strength of democracy. Parliaments are also essential for solid domestic accountability. The EU is increasingly shifting the focus of its activities from strengthening the executive branch of government to activities enhancing the legislature, and putting in place an effective system of checks and balances. Particular attention is now being given to linking different actors involved in oversight, from media and civil society organisations to parliaments and supreme audit institutions.

A comprehensive review was undertaken by the Commission and completed in 2011, looking into how the EU has supported parliaments worldwide over the past decade, and provides practical guidance on support for parliamentary institutions. The study showed that since 2000 the EU has spent close to € 150 million on strengthening parliaments worldwide (excluding accession states). Successful projects were those based on careful groundwork, where there was an understanding of the overall governance environment and of the motives of political actors. Such projects tended to take a longer-term approach and occurred where there was a positive environment for democratic development. They demonstrated strong national ownership, clear objectives, strong delegation of ownership, and thorough programme planning.

This review process resulted in the publication of the EU Reference Document "Engaging and Supporting Parliaments Worldwide: EC strategies and methodologies for action to support parliaments" which was extensively disseminated throughout 2011, including through a training module. The publication serves as a practical tool for EU staff and other stakeholders, presenting ways of engaging with and supporting parliaments in partner countries, and is being used by EU Delegations.

EU support for political parties has predominantly been provided within broader electoral assistance projects. Following the Arab spring the EU has strengthened its engagement with political parties, given the crucial and multiple roles which they play in fostering a democratic system. The EU has only engaged with political parties that share democratic values, on the basis of a non-partisan approach and indirectly, through training and other capacity-development activities (direct funding of political parties is prohibited under EU rules). Increasingly, the EU is also supporting the introduction of legal or constitutional frameworks that empower democratic political parties and allow them to act as all-inclusive vehicles of representation.

In particular, through the EU Instrument for Stability and the European Instrument for Democracy and Human Rights (EIDHR) the EU was swift in providing support to political parties in Tunisia and Egypt in the aftermath of the popular uprisings. EU support has in particular been targeted towards domestic election observation and the training of political parties. Such support has in these cases been granted a part of a broad democratisation package including constitutional and electoral reform, support for civil society watchdogs, the promotion of freedom of expression, support for the media, civic education, etc.

Case Study - Support to the Parliament and to the Institutionalisation of the new Democratic Constitution in Kyrgyzstan

Context: The popular revolution 2010 halted the then Executive's attempts to re-impose authoritarian governance, and resulted in a Provisional government charged with institutionalising a democratic order. The government and parliament have reached out to the EU for support in designing and implementing a new democratic order constituted as a parliamentary republic.

Programme: The European Union has supported parliament through three projects beginning in 2007 and continuing through to 2012. All three projects worth € 2 million, have been delivered by the United Nations Development Programme (UNDP) and focused on 1) strengthening parliament's legislative capacities, on public understanding of parliament's work, and in enhancing parliament's use of ICT; 2) helping parliament meet its responsibilities outlined in the revised 2007 Constitution, and covering legislation, oversight, and representation functions; 3) supporting the institutionalisation of the legal framework underpinning the country's new democratic Constitution.



Key Findings: EU support to the Kyrgyz parliament has resulted in positive outcomes in terms of enhanced capacity of parliamentarians and parliamentary administration which in turn has improved the effectiveness and stature of the institution. It has supported critically important revisions to the Constitution and is now helping to institutionalise the new democratic order. While Kyrgyzstan continues to face many challenges in its democratic transition, EU support has helped to strengthen parliament as a central democratic institution, enabling the country to preserve and extend democratic freedoms which stand out in a regional neighbourhood often characterised by authoritarian governance.

### **3.23. Economic, social and cultural rights**

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

Economic, social and cultural rights continued to be addressed through the specific tools of the EU human rights policy in third countries. By way of example, on 22 March 2011, the EU issued a declaration commemorating World Water Day, reaffirming that all states bear human rights obligations regarding access to safe drinking water, which must be available, physically accessible, affordable and acceptable.

Discussions on economic, social and cultural rights have also been tackled in the framework of EU human rights dialogues and consultations, as well as in related civil society meetings. For instance, in November 2011, the European Union convened an EU-Bangladesh Civil Society Seminar on Human Rights and Decent Work in Dhaka, Bangladesh. The aim of the seminar was to bring together relevant stakeholders from Bangladesh and Europe to discuss ways to strengthen the social dimension of globalisation and to support Bangladesh in implementing the International Labour Organisation's Decent Work Agenda. The outcomes of the seminar fed into the Joint Commission Subgroup meeting on Good Governance and Human Rights of 30 November 2011.

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

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

In its overall relations with non-EU countries the EU continued to encourage and facilitate the ratification and implementation of the ILO conventions on core labour standards, including through technical cooperation and through close cooperation with the ILO. In some cases, the EU has included issues related to employment, labour legislation and social protection in bilateral experts' dialogues.

The EU is firmly committed to promoting core labour standards and decent work for all in its trade policy, and routinely includes cooperation initiatives and incentives for better working conditions in the trade agreements it negotiates. The EU's draft trade agreements with other countries and regions are carefully examined for their potential effects on social development, including labour standards. Under the terms of the EU's Generalised System of Preferences, developing countries that have ratified and implemented the core labour standards of the ILO can receive special tariff rate cuts when they export to the EU.

The promotion of economic, social and cultural rights has deep links with inclusive and equitable development: significantly, six of the eight United Nations Millennium Development Goals (MDGs) put a strong emphasis on human and social development.

### **3.24. Asylum, migration, refugees and displaced persons**

In 18 November 2011 the Commission launched its Communication on the **Global Approach to Migration and Mobility (GAMM)**, which defines the overarching framework of the EU external migration policy, and sets the path for dialogue and cooperation with non-EU countries in the area of migration and mobility. One of the key features of the Communication is that it argues for a "**migrant-centred**" approach, based on the principle whereby the migrant is at the core of the analysis and all action. The Communication underlines that migration governance is not about "flows", "stocks" and "routes", it is about people. In order to be relevant as well as effective and sustainable, policies must be designed to respond to the aspirations and problems of the people concerned. The **human rights of migrants** therefore represent a cross-cutting issue of the GAMM. Migrants' rights are systematically addressed in the implementation of the Global Approach both through dialogue and cooperation, with the aim of strengthening the human rights of migrants in source, transit and destination countries alike.

## Asylum and refugees

In 2011 the main commitment in this area was to construct a Europe of asylum. The extension of the Directive on Long Term Residents to beneficiaries of international protection was published in the Official Journal of the European Union on 19 May 2011 and the recast of the Qualification Directive was published on 13 December 2011. The text of the Qualification Directive strengthens the criteria for qualification for international protection, as well as the provisions related to the best interests of the child and to gender, and it brings the rights granted to refugees and the rights granted to beneficiaries of subsidiary protection closer together, although the two statuses are not yet harmonised.

In order to boost the difficult negotiations, the Commission adopted **amended proposals** for the recast Asylum Procedures and Reception Conditions Directives in June 2011. The European Parliament adopted first reading positions on both initial proposals before the amended proposals were presented. In the Council, negotiations resumed at a quick pace. On the other hand, limited progress was achieved in the negotiations on the **recast Dublin Regulation** and the discussions on the **EURODAC Regulation** were stalled for most of 2011. As regards this system, the Commission reported on the work of the EURODAC Central Unit, which continued to provide very satisfactory results in terms of speed, output, security and cost-effectiveness.

The **European Asylum Support Office (EASO)** has been operational since mid-2011. Following a request made by **Greece**, in April 2011 the EASO and the Greek authorities developed a two-year Operating Plan to deploy Asylum Support Teams on the ground as of May. However, the EASO's main task in its first year of operation has been recruitment and the setting up of the necessary structures in Malta. The agency has also taken responsibility for practical cooperation measures such as the European Asylum Curriculum. The Commission has continued to actively support the Agency, to ensure that it becomes fully operational as rapidly as possible. Formal negotiations on the participation of the associated countries in the EASO are expected to be launched and, it is hoped, concluded during the first half of 2012.

Solidarity continued to be an important component of asylum policy. On 2 December 2011, the Commission adopted a **Communication on intra-EU solidarity** in asylum. This Communication seeks to reinforce practical, technical and financial cooperation, and to move towards a better allocation of responsibilities and improved governance of the asylum system, thus contributing to the finalisation of the Common European Asylum System by 2012. The EU **Relocation from Malta** (EUREMA) project continued, and in April 2011 Member States endorsed the launch of its second phase: together with bilateral pledges, the new project aims to resettle over 360 refugees in 2011 and 2012.

Third countries also benefited from the EU's solidarity in the area of asylum. In 2011 about 3000 refugees were resettled in EU Member States, ten of which have annual **resettlement** programmes. In the external dimension of asylum, by the end of 2011 the negotiations on the Joint EU Resettlement Programme had resumed, based on a new compromise proposal that establishes "specific common EU resettlement priorities for 2013".

Existing **Regional Protection Programmes** were continued. On 1 December 2011 the Regional Protection Programme in North Africa, encompassing Egypt, Libya and Tunisia, was launched. The activities were only implemented in Egypt and Tunisia. Due to the security situation, in 2011 the UNHCR presence was not re-established in Libya.

## **Migration**

Negotiations were successfully concluded on an EU Directive on the **single permit** for third-country nationals to reside and work in the EU and on a common set of rights for legally residing third-country national workers<sup>2</sup>. The Directive grants equal treatment to legally residing third-country workers in a number of fields, in particular working conditions, social security, recognition of diplomas, tax benefits, and education, but also freedom of association.

Negotiations on the proposals for Directives on third-country **intra-corporate transferees**<sup>3</sup> and **seasonal workers**<sup>4</sup> are ongoing. The extent of the rights that should be granted to third-country nationals is an important element of the discussions in the Council and in the European Parliament. The implementation of the **Action Plan on Unaccompanied Minors (2010 -2014)**<sup>5</sup> continued. The Plan promotes a common EU approach based on the principle of best interests of the child.

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▪ <sup>2</sup> DIRECTIVE 2011/98/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State  
<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:343:0001:0009:EN:PDF>

<sup>3</sup> COM(2010) 378 final

<sup>4</sup> COM(2010) 379 final

<sup>5</sup> COM(2010)213 final

Strong guarantees for the fundamental rights of migrants are promoted in the "**European Agenda for the Integration of Third-Country Nationals**", as well as the need for a positive attitude to diversity and equal treatment. Efforts to fight against discrimination and to give migrants instruments to become acquainted with the fundamental values and rules of the EU and its Member States are needed to ensure the respect of rights and obligations both by migrants and by the societies welcoming them.

On 23 February 2011 the Commission published its evaluation of the EU **Readmission Agreements** (EURAs) as required by the Stockholm programme. One of the main topics of the evaluation was the monitoring of the application of the EURAs including the human rights safeguards. Without putting into question the current EU *acquis* and other relevant international instruments, which need always to be observed during the implementation of EURAs, the Commission proposed several accompanying measures which would further ensure the full respect of the human rights of the returnees. The evaluation also announced the Commission's idea of launching a pilot **project to monitor the situation of persons readmitted** under some EURAs. The evaluation was also a basis for the JHA Council conclusions adopted on 9 June 2011. The conclusions took into account only in a very limited way the abovementioned Commission recommendations on human rights.

### 3.25. Trafficking in human beings

Trafficking in human beings is a serious crime, and an extremely serious form of human rights violation. It takes many forms, such as trafficking for sexual exploitation, forced labour, forced begging, or domestic servitude, or for the purpose of the removal of organs. It is explicitly prohibited in Article 5 of the Charter of Fundamental Rights of the European Union. Following the decision by the European Court of Human Rights (January 2010) in the Case of *Rantsev versus Cyprus and Russia*, trafficking in human beings is a violation of Article 4 of the European Convention on Human Rights, which prohibits slavery and forced labour.

Addressing trafficking in human beings continued to be a priority for the Union and the Member States. In 2011, the new anti-trafficking Directive, with a human-rights and gender-specific approach, was adopted; the EU Anti-trafficking Coordinator took up her mandate; and the first implementation report of the Action-Oriented Paper on the external dimension on trafficking in human beings was issued.

In April 2011 the new Directive 2011/36/EU on prevention and combating trafficking in human beings and protecting its victims was adopted by the Council and the European Parliament. It has a clear human rights approach, including a gender perspective, and builds on the UN Protocol on trafficking in persons and the Council of Europe Convention on actions against trafficking in human beings. It covers trafficking for all forms of exploitation. The Directive contains comprehensive provisions on assistance to and protection of victims to safeguard their human rights and to avoid further victimisation. The Directive requires Member States to grant special treatment to particularly vulnerable victims and it includes special provisions for child victims of trafficking. The child's best interests must be a primary consideration, in accordance with the Charter of Fundamental Rights of the European Union and the 1989 United Nations Convention on the Rights of the Child. Moreover, the Directive provides for extraterritorial jurisdiction, which is particularly but not exclusively relevant in cases of sex tourism.



In July 2011, there was a meeting of the informal network of national rapporteurs or equivalent mechanisms on trafficking in human beings. During this meeting, various topics were discussed, including cooperation and partnerships amongst all actors involved in anti-trafficking policy, such as civil society organisations involved in human rights protection.

Reliable and comparable data is crucial for effective policy-making. For this reason, in 2011 the Commission launched for the first time at EU level a data collection initiative on trafficking in human beings. The data collected will yield information inter alia on the gender, age, type of exploitation and citizenship of human trafficking victims, and on the gender and citizenship of traffickers, which will allow for better targeted actions, also in relation to third countries and regions.

The first implementation report of the Action-Oriented Paper on Strengthening the EU External Dimension on Action against Trafficking in Human Beings was adopted by the Justice and Home Affairs Council in June 2011.<sup>6</sup> This report included a comprehensive overview of projects and action by the EU Member States, EU agencies and the European Commission in third countries and regions. Many of these projects take a human rights approach to trafficking and focus on prevention of the root causes of trafficking, such as poverty or discrimination.

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<sup>6</sup> First implementation report on the Action-Oriented paper on strengthening the EU external dimension on combating trafficking in human beings of June 2011, <http://ec.europa.eu/anti-trafficking/entity.action?id=27f3528b-8d2e-419d-b630-7d78a70ef3d7>

On the occasion of the EU Anti-Trafficking Day 2011, the Commission and the Polish Presidency brought together seven Justice and Home Affairs agencies (the European Institute for Gender Equality, EUROJUST, EUROPOL, the Fundamental Rights Agency, CEPOL, FRONTEX and the European Asylum Support Office). This meeting resulted in a joint statement on future cooperation on trafficking, in which they expressed their commitment to carry out their work in full respect of human rights.

In 2011, the Commission continued to develop the EU anti-trafficking website, which includes information on policy and legislation at the EU level and in the Member States. It also lists contact information for the relevant governmental and non-governmental organisations, and provides an overview of Commission-funded projects and publications by different stakeholders, including on the link between human rights and human trafficking.<sup>7</sup> The link to the website is:

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

The members of the third Group of Experts on trafficking in human beings were appointed in 2011. The Group includes human rights and gender experts to advise the Commission on policy and legislation.

The 2011 Communication "A renewed EU strategy 2011-14 for Corporate Social Responsibility" also addressed trafficking in human beings in the context of a better implementation of the UN Guiding Principles on Business and Human Rights.

The Global Approach to Migration and Mobility<sup>8</sup>, which constitutes the overarching framework of the EU's external migration policy, was adopted in 2011. It reiterates the importance of cooperation with third countries of origin, transit and destination and identifies preventing and reducing irregular migration and trafficking in human beings as one of its four pillars.

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<sup>7</sup> For example, the EU funded project "The Right Guide", a tool for NGOs to assess the human rights impact of anti-trafficking laws and measures to be used for evidence-based lobbying of their governments <http://ec.europa.eu/anti-trafficking/entity?id=7dbb0353-cb8a-4bcc-a3fa-34dfbe01bbca>

<sup>8</sup> Commission Communication: The global approach to Migration and Mobility (COM(2011) 743 final).

In 2011, the Commission funded many projects aimed at preventing and addressing trafficking in human beings from a human rights approach, both within and outside the EU. A targeted call for projects on trafficking in human beings took place in 2011 under the financing programme "Prevention of and Fight against Crime" – as part of the General Programme "Security and Safeguarding Liberties" – (2007-2013). Likewise, the Daphne programmes, which contribute to the protection of children, young people and women against all forms of (gender-based) violence, including trafficking in human beings, launched a call for proposals in December 2011.

Trafficking in human beings is included in several bilateral ENP Action Plans, and the Stabilisation and Association Agreements with the Western Balkans. During the Eastern Partnership Summit of September 2011, the participants agreed to strengthen cooperation and coordination in addressing trafficking in human beings.

Projects have been funded within the Instrument for Pre-Accession Assistance and the Technical Assistance and Information Exchange Instrument (TAIEX). Human trafficking was raised in political dialogue with non-EU countries, in particular in the human rights dialogues and consultations. The EU supported international efforts at various UN forums, advocating prevention, victim protection and assistance, the establishment of a legislative framework, policy development and law enforcement, international cooperation and coordination on human trafficking.

Trafficking in human beings is prioritised in the EU's geographic and thematic cooperation with third (non-EU) countries. It is mainstreamed into Country Strategy Papers and National and Regional Indicative Programmes and this was confirmed in the mid-term reviews for 2011 to 2013. Funds are available under financing instruments such as the Stability Instrument and the European Instrument for Democracy and Human Rights (EIDHR). The Multi-Annual Strategy Paper 2011–2013 for the Thematic Programme of Cooperation with Third Countries in the Areas of Migration and Asylum includes trafficking as one of the thematic priorities.

The Directive established the post of EU Anti-Trafficking Coordinator. The Commission appointed Myria Vassiliadou, who started her work in March 2011. The Coordinator will, among other tasks, provide the overall strategic policy orientation in the field of trafficking in human beings, and contribute to the elaboration of existing or new EU policies relevant to anti-trafficking in particular in relation to third countries. She will also ensure that all appropriate means for EU action against trafficking are adequately used and mobilised. She has since been working on creating more coherence in anti-trafficking policies, including mainstreaming the issue in different policy strands, and ensuring more coordination amongst actors in the area of trafficking in human beings, including EU agencies, Member States and international actors. She has constantly emphasised the importance of taking a human rights and gender-specific approach when addressing this phenomenon.

### **3.26. Racism, xenophobia, non-discrimination and respect for diversity**

The EU continued in 2011 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, awareness-raising, data collection, and the provision of financial support to civil society projects.

On 21 March 2011, the International Day for the Elimination of Racial Discrimination, High Representative Ashton issued a declaration on behalf of the EU, stating that the EU condemns "all forms of racism, racial discrimination, xenophobia and similar types of intolerance, including discrimination on the basis of sexual orientation, which are totally at odds with the values the EU is founded upon."

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 Russia. These issues also continue to be taken into consideration in cooperation strategies; for example, under the European Neighbourhood Policy Action Plans, the partner countries commit themselves to combating all forms of discrimination, religious intolerance, racism and xenophobia.

The EU continued to join forces with regional bodies such as the Council of Europe's European Commission against Racism and Intolerance (ECRI). In the OSCE framework, the EU closely coordinated to advance the implementation of the commitments made by the 56 OSCE Participating States as regards combating racism, xenophobia and discrimination.

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. Ten years after the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the EU remained 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 have not yet ratified or fully implemented the Convention to do so.

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

The 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR), was held in Durban, South Africa from 31 August to 8 September 2001. The European Union contributed, in a major way, to the success of the Durban Conference.

The Conference adopted by consensus the Durban Declaration and Programme of Action (DDPA), a framework for guiding governments, non-governmental organisations and other institutions in their efforts to combat racism, racial discrimination, xenophobia and related intolerance.

The Durban Review Conference took place between 20 and 24 April 2009 in Geneva, Switzerland. It evaluated progress towards the goals set by the Durban Conference in 2001.

A High Level event was held in New York on 22 September 2011, which led to the adoption of a General Assembly resolution commemorating the 10th anniversary of the adoption of the Durban Declaration and Programme of Action.

### **3.27. 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 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 and the European Charter for Regional or Minority Languages.

Protection of 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 the necessary political, economic and institutional reforms, in line with EU standards. Supported projects for persons belonging to minorities are predominantly aimed at reducing social disparities and at improving and promoting a better quality of life. Strengthening social cohesion in these countries covers the integration of disadvantaged people, combating discrimination and strengthening human capital, particularly by reforming education systems.

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

The EU Colombia Country Strategy Paper 2007-2013, for instance, addresses the humanitarian and human rights situation of persons belonging to minorities, and includes among its key priorities peacebuilding through the involvement of marginalised citizens in local governance and the participatory economy, as well as the promotion of human rights, good governance and the fight against impunity. Another example is the explicit reference to the respect for the rights of persons belonging to national minorities in the European Neighbourhood Policy Action Plan with Ukraine.

The EU 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.

In addition, the EU has continued to use a wide range of financial and technical cooperation instruments, including bilateral cooperation with governments and direct support to civil society, which complement each other and work in synergy to promote and protect the rights of persons belonging to minorities.



To this end, the EU has been supporting governments' programmes and policies that are targeted at minorities or that have a potential impact in this area through bilateral cooperation. The EU has also supported civil society organisations working for the protection and promotion of the rights of persons belonging to minorities, in particular through the European Instrument for Democracy and Human Rights (EIDHR). In doing so it has in particular aimed to help combat discrimination, 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, and to promote political pluralism and democratic political participation.

With a contribution of over € 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 (BiH), thus promoting their inclusion, interests and rights. Minorities, and in particular Roma people who are the largest minority in BiH, suffer from a legacy of discrimination that has contributed to widespread poverty, unemployment, homelessness and a lack of access to education. Although the BiH Constitution incorporates international human rights standards, the right "to be elected" is secured only for the "constituent peoples" (Bosnians, Croats and Serbs). According to the Constitution, persons belonging to the national minorities are barred from accessing the highest level of political participation at the state and entity levels. This project therefore aims to help create improved conditions for political representation and participation of Roma and other minorities at state level, by promoting the inclusion of the category of national minorities in the BiH Constitution, and to enhance the political involvement and capacity of the Roma so that they attain greater influence in decision-making processes.

### **3.28. Rights of 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.

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 in disability policies.

Disability has been increasingly raised in the EU political and specialised dialogues (including human rights dialogues) with third countries; EU ratification of the CRPD has provided added reason to do so. In particular, the EU has called for the ratification and full implementation of the CRPD by all states. For example, during 2011, the issue of disability was raised with the Palestinian Authority and with Russia.

During 2011, the EU continued to uphold and advocate respect for the human rights of persons with disabilities in the relevant regional and international forums. For example, at the 66th Session of the United Nations General Assembly, the EU – together with Latin American countries and following close consultation with UNICEF and civil society organisations – initiated a resolution on the rights of the child, with a particular focus on children with disabilities. In preparation for this resolution, the EU also organised a side event in New York in June 2011 entitled "Interactive Panel Discussion on Promotion and Protection of the Rights of Children with Disabilities" in cooperation with Uruguay (on behalf of the Latin American and Caribbean Group, GRULAC), the UN Department of Economic and Social Affairs and UNICEF. The EU is also seeking to integrate the situation of persons with disabilities in other UN forums and documents, with a rights-based approach. 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 2011, the EU funded over 20 projects specifically targeting persons with disabilities (with a budget of over € 12 million).

In November 2010, the Commission adopted the **EU Disability Strategy 2010-2020**<sup>9</sup> which aims to help implement the provisions of the CRPD. The strategy focuses on eliminating barriers across eight main areas: accessibility, participation, equality, employment, education and training, social protection, health, and external action.

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<sup>9</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0636:FIN:EN:PDF>

Regarding external action, the strategy aims to promote the rights of persons with disabilities, including in its development programmes and in international forums (eg UN, Council of Europe, OECD). The "Initial plan to implement the European Disability Strategy"<sup>10</sup> identifies key actions and a timeline to begin implementing the strategy, including to:

- Ensure that EU development cooperation reaches persons with disabilities, both through projects/programmes specifically targeting persons with disabilities and by improving the mainstreaming of disability concerns.
- Support the national efforts of partner countries for the signature, ratification and implementation of the CRPD.
- Support where appropriate the institutional strengthening of disabled peoples' organisations in partner countries and organisations dealing with disability and development.
- Promote infrastructure financed in the framework of EU development projects meeting the accessibility requirements of people with disabilities.
- Highlight disability where appropriate as a human rights issue in the EU human rights dialogues with third countries, based on the principles of the CRPD.

### **3.29. 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 and ensures the continued development of indigenous peoples around the world.

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<sup>10</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SEC:2010:1324:FIN:EN:PDF>

The EU seeks to integrate human rights, including indigenous issues, 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 addition, EU Delegations all over the world have been organising numerous events on or around 9 August, including meetings with indigenous leaders, press conferences, press articles, participation in seminars and visits to projects funded by the EU.

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 2011 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 situation of human rights and fundamental freedoms of indigenous peoples, Mr James Anaya.

Indigenous peoples' issues 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 the indigenous population, and includes among its 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 also directly supports civil society organisations working on indigenous issues, in particular through the European Instrument for Democracy and Human Rights (EIDHR). Under this funding instrument, there is wide scope for specific actions relevant to indigenous peoples to be implemented at the country, transnational or regional levels.

The EU acknowledges the particular vulnerability and acute repression that defenders of indigenous peoples' rights face in many countries around the world, as demonstrated by numerous international reports including by the UN Special Rapporteur on Human Rights Defenders. In 2011 the EIDHR funded a € 1.2 million regional project aimed at supporting and at strengthening the network of indigenous peoples' human rights defenders in Nepal, Bangladesh, India, Cambodia, Indonesia, Malaysia, the Philippines and Thailand.

Since 2011 the EIDHR has been financing a € 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 people 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 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.

## **4. EU ACTION IN INTERNATIONAL FORUMS**

### **4.1. 66th session of the UN General Assembly**

The Third Committee (Social, Humanitarian and Cultural Affairs) of the 66th session of the General Assembly formally began its work on 3 October 2011 and concluded on 22 November 2011.

By the end of the session, the Committee had adopted 66 resolutions, 16 of them following a vote, confirming the polarisation on certain issues. The EU reached all its main objectives for the session. EU efforts were supported by an outreach campaign both in New York and in third country capitals, in support of the country resolutions as well as on the theme of freedom of religion and belief; the outreach was undertaken in close coordination with like-minded countries. Four EU initiatives were successfully adopted by the Third Committee. The negotiations on the situation on human rights in Burma/Myanmar took place in the context of recent positive developments in the country, and this was reflected in the balanced engagement of the country concerned in the negotiation process. The resolution was adopted with positive support by more partners than ever.

Also, the country resolution on the human rights situation in the DPRK (presented together with Japan) was adopted with the highest support ever. In the course of the negotiations, the DPRK did not change its pattern of behaviour, refusing to engage on the issue.



Concerning thematic issues, the resolution on Rights of the Child, which is a joint EU-GRULAC initiative (Latin American and Caribbean Group), was adopted by consensus as during previous sessions, although after the defeat of two hostile amendments tabled respectively by Pakistan and Syria. This year's resolution had a focus on children with disabilities. The resolution on the elimination of all forms of intolerance and of discrimination based on religion or belief, an EU-led initiative, was again adopted by consensus.

In addition, the EU supported the Canadian-sponsored resolution on the human rights situation in Iran, which was adopted with an increased and comfortable margin.

A focused cross-regional resolution on the situation in Syria gained a large majority of votes on the last day of the session, including by non-traditional supporters of country resolutions including all Arab countries except Syria itself.

The Organisation of Islamic Cooperation (OIC) tabled a text based on HRC resolution 16/18, "Combating intolerance, negative stereotyping and stigmatisation of, and discrimination, incitement to violence, and violence against persons based on religion or belief", but which initially contained additional problematic language. After extensive and largely bilateral negotiations, a compromise package emerged which the EU could accept after the agreement to deliver a strong explanation of position upon adoption of the OIC text. In view of the ongoing events in the Middle East and North Africa region, the US re-introduced its initiative on women and political participation which had already been considered by the General Assembly at its 58th session, and also includes a focus on women's political participation in political transitions.

The EU was united on all votes except for two. EU Member States were able to unite in a common abstention after three years of split votes on the draft resolution on the follow-up to Durban. However, there was a new EU split (no/abstain) on the draft resolution on contemporary forms of racism: a strong common explanation of vote was delivered, setting out the EU concerns with the motives behind and the selective nature of this resolution. There was also an EU split on the Non-Aligned Movement resolution on the right to development.

EU Member States also introduced twelve resolutions in their national capacity, which were all adopted by consensus.

#### **4.2. The United Nations Human Rights Council**

The Human Rights Council Review was completed on 17 June 2011 through the adoption by the UN General Assembly of a voted resolution (154 votes in favour, 4 no, 0 abstentions; 34 countries did not participate in the vote). This brought an almost two year-long process of intense negotiations in Geneva and New York to a close, producing an outcome that in the EU's view is minimalistic, yet safeguarding features that are priorities for the EU, such as the Human Rights Council's capacity to address country situations of concern, the independence of the High Commissioner, her Office and Special Procedures, as well as managing some progress in the modalities of the Universal Periodic Review (UPR).

Beyond this Review, the pace of human rights developments on the grounds in 2011 was instrumental to strengthen the response of the Human Rights Council and its capacity to address important situations.

The year began with a special session on the human rights situation in Libya that took place on 25 February 2011. The session not only expressed strong concern about the human rights situation in the country, but also recommended the suspension of Libya's Human Rights Council membership, which the General Assembly carried through on 1 March in an unprecedented move.

There were three regular sessions of the Human Rights Council in 2011, in March, June and September. With the holding of the 12th session of the Universal Periodic Review (UPR) Working Group (3 to 14 October 2011), the Human Rights Council completed the first cycle of the UPR. On this occasion, the EU stressed the importance of this instrument and encouraged the comprehensive and swift implementation of recommendations, including by drawing on international assistance to that effect.

The 16th session of the Human Rights Council took place from 28 February to 25 March 2011 and offered further confirmation of the Council's capacity to act on country situations, with the adoption of eight country resolutions out of 40 draft initiatives adopted during the session. The presence of High Representative Catherine Ashton on the first day of the High Level Segment underlined the great importance the EU attaches to the Human Rights Council.

The adoption of a resolution on Iran, creating the first country mandate since the establishment of the Council, was a major breakthrough. An active cross-regional core group as well as an intense lobbying campaign made this result possible.

The EU took the initiative on a resolution on the human rights situation in Burma/Myanmar, which extended the mandate of the Special Rapporteur and took into consideration recent developments, including elections and the Universal Periodic Review. Minimal changes were introduced to the other traditional EU country resolution tabled jointly with Japan on the human rights situation in DPRK, which enjoyed increased support in terms of the number of yes votes as compared to last year.

The African Group was also very active in the session and introduced four resolutions on African countries (the DRC, Côte d'Ivoire, Guinea and Burundi). The EU worked closely with Tunisia with the objective of tabling a consensual resolution focused on technical cooperation and assistance, with the support of the African and Arab groups.

Concerning thematic initiatives, the EU introduced a successful initiative on freedom of religion or belief, with the aim of expressing concerns about violence and intolerance against religious minorities, in line with the conclusions of the Foreign Affairs Council of 21 February 2011. The resolution also welcomed the work of the Special Rapporteur on Freedom of Religion or Belief, whose mandate was established 25 years ago, as a follow-up to the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. In parallel, the adoption - by consensus - of the Organisation of Islamic Cooperation (OIC) resolution on fighting religious intolerance, seen by many as an alternative to the defamation resolution traditionally run by the OIC, was one of the most significant results of this session. The EU and GRULAC secured the success of the traditional resolution on the rights of the child, the negotiations for which required a wide range of early consultations and close cooperation with the Special Representative of the Secretary-General on violence against children and with UNICEF. Finally, the Council adopted the draft United Nations Declaration on Human Rights Education and Training.

The 17th session of the Human Rights Council (30 May-17 June 2011) was quite busy, with the adoption of 29 initiatives (of which eight were voted upon). The EU top priority for the session was Belarus; the EU secured the adoption of a resolution on the human rights situation in the country.

There were several initiatives during the session concerning the Middle East and North Africa region. In particular, the Council adopted a resolution extending the mandate of the Commission of Inquiry on Libya. There was one cross-regional statement on Syria calling upon the Government to fully cooperate with the Human Rights Council and to allow the High Commissioner unfettered access to the country, and one cross-regional statement on Yemen welcoming a planned mission by the High Commissioner and convening the holding of an Interactive Dialogue at the 18th session of the Council. The Council also adopted a resolution on the promotion and protection of human rights in the context of peaceful protests, stemming from previous attempts to have a special session on that theme.

Other key country situations included the creation of a mandate for an Independent Expert on the human rights situation in Côte d'Ivoire, to help implement the recommendations of the Commission of Inquiry, the extension of the mandate of the Independent Expert on Somalia for another year and the adoption of a resolution on technical assistance to Kyrgyzstan.

Concerning thematic issues, the Council adopted a breakthrough South African resolution on discriminatory laws and practices and acts of violence against individuals on the ground of their sexual orientation and gender identity, which mandated the UN High Commissioner to prepare a study on the matter to be presented during an HRC panel discussion in March 2012. The Council also endorsed the Guiding Principles on Business and Human Rights for implementing the UN "Protect, Respect and Remedy" Framework and launched a follow-up mechanism to the work of the Secretary-General's Special Representative on Business and Human Rights. Finally, the Council achieved the successful adoption of the draft Third Optional Protocol to the Convention on the Rights of the Child, establishing an individual complaint procedure.

The 18th session of the UN Human Rights Council (12-29 September 2011) registered the adoption - mostly by consensus – of 37 resolutions or presidential statements. During the session, the Council adopted seven country-specific initiatives (Sudan, South Sudan, Libya, Yemen, Burundi, Cambodia and Haiti), all of them under item 10 (technical assistance and capacity-building).

As also envisaged in the top EU priorities for the session, the Council extended the mandate of the Independent Expert on the human rights situation in Sudan by a consensus resolution prepared in cooperation with the country concerned. The situation in South Sudan was also addressed by a resolution focusing on cooperation and assistance in the field of human rights. Similarly, the Council adopted a consensus resolution on Yemen, which invited the country to address the recommendations contained in a report prepared by the UN High Commissioner for Human Rights and taking note of the Government's announcement to launch investigations on human rights violations and abuses. An exceptional two-year mandate for an Independent Expert on Cambodia was also decided. The Council extended the mandate of an Independent Expert on Haiti and adopted a resolution on advisory services and technical assistance for Burundi, which welcomed the effective establishment of a national human rights institution in line with the Paris Principles. Concerning thematic issues, at the session, the Council established a new mandate for a Special Rapporteur on truth, justice, reparation and guarantees for non-recurrence.

During the year, the EU was instrumental in convening three special sessions on the human rights situation in Syria. A first special session on Syria took place on 29 April. A resolution adopted at the session requested the Office of the United Nations High Commissioner for Human Rights to dispatch a mission to Syria urgently, to investigate all alleged violations of international human rights law and to establish the facts and circumstances of such violations. A second special session took place on 23 August; on that occasion, the Council established the mandate of an Independent Commission of Inquiry, to investigate "all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, (...) and, where possible, to identify those responsible with a view to ensuring that perpetrators of violations (...) are held accountable". The Commission of Inquiry, whose work was not supported or facilitated by the Syrian authorities, released its report on 28 November 2011 which was transmitted to the General Assembly, with the recommendation that the Assembly consider transmitting the reports to all relevant bodies of the United Nations.

Following the release of the report of the Commission of Inquiry, the EU decided to support the convening of a third HRC special session on Syria, which took place on 2 December. The resolution adopted at the end of that third session called by an overwhelming majority for the establishment of a presence of the Office of the High Commissioner for Human Rights in Syria, and established the mandate for a Special Rapporteur to monitor the situation. In addition, the resolution requested the authorities to ensure that the Commission of Inquiry had access to the country and to cooperate duly with it.

### 4.3. The Council of Europe

2011 was marked by a further deepening of the cooperation between the EU and the Council of Europe (CoE), with intensified exchanges, including in the human rights area. The framework for their enhanced cooperation and political dialogue is the Memorandum of Understanding between the EU and the CoE, signed in 2007.

The accession by the EU to the European Convention on Human Rights (ECHR), as provided for in the Lisbon Treaty, represents an important step towards better human rights protection for all European citizens. This step requires a thorough analysis of the most sensitive aspects of a future agreement. The EU was working hard on a smooth integration into the ECHR system, taking into account the specific nature of the EU institutional set up. Since July 2010, eight negotiation sessions for EU accession to the ECHR have taken place and concluded with an agreement – at experts' level – of a draft EU accession agreement in June 2011. The text of the draft agreement must undergo validation by the full membership of each organisation. On the EU side, more time is needed to discuss the most sensitive aspects of the accession.

Senior CoE officials, including the CoE Secretary General and the CoE Commissioner for Human Rights, continued to meet regularly with the Commission President, the High Representative/Vice-President, and other Commissioners. A number of high-level European Commission officials visited Strasbourg in order to brief the CoE on various EU policies, including the Eastern Partnership initiative.



The EU highly appreciates the work of the CoE Venice Commission and welcomes its role in advising on the compatibility of legislation in the CoE member states with European standards and norms in the area of fundamental rights and freedoms. The EU holds annual consultations on its enlargement package with the Council of Europe, involving around 60 of its experts and staff. The EU also holds regular consultations with the Council of Europe and its monitoring bodies during the preparation of the annual ENP Progress Reports. The EU has enjoyed good cooperation with the CoE Commissioner for Human Rights, particularly with regard to the post-conflict situation in Georgia.

The EU and CoE have implemented a number of joint programmes within the fields of rule of law, democracy and human rights. The EU and the Council of Europe continued to cooperate closely in the effort to abolish the death penalty worldwide, as illustrated by the publication of a joint declaration on the occasion of the international and European day against the death penalty on 10 October 2011.

The EU continues to be a major contributor to CoE activities, through the financing of joint programmes and activities. Since 2010, the EU has financed several CoE targeted projects via the Eastern Partnership Facility in order to enhance the reform processes in the Eastern Partnership countries and to bring them closer to CoE and EU standards in core areas covered by Platform 1 of the Eastern Partnership (good governance and human rights). Following the promising results of the Council of Europe Eastern Partnership Facility, the EU launched the Council of Europe South Facility (€ 4 million over 30 months), which should promote progress on human rights and democratisation in the Southern Mediterranean countries, in the spirit of the EU's revamped European Neighbourhood Policy.

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

The European Union represents half of the OSCE's membership (56 participating States) and thus has a particular responsibility to take a proactive role within the organisation. The main aim of the EU is to support the OSCE's efforts to enhance security through all three of its "dimensions", namely:

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

The EU is very much attached to this comprehensive concept of security with human rights at its core. Therefore, after the 2010 Astana Summit, the EU put a lot of effort in 2011 into ensuring a better implementation of the OSCE political commitments to which each participating state has voluntarily agreed, particularly in the human dimension which covers commitments and activities on human rights, fundamental freedoms, democratisation (including elections), the rule of law, and tolerance and non-discrimination.

In 2011, the EU put emphasis on the fundamental freedom of expression:

- Firstly, on making sure that fundamental freedoms are respected in the digital age and that pluralism prevails in the media landscape. Media freedom is seen as leverage to achieve a greater respect for other fundamental freedoms and human rights.
- secondly, in supporting all efforts aimed at better protecting journalists amid a worrying trend of increased attacks and intimidation against journalists and media workers in many parts of the OSCE area.

Success was mixed in that respect. On the one hand, the EU was a major contributor to a successful and highly publicised two-day conference on the safety of journalists held in Vilnius in June 2011, as well as to a two-day meeting on pluralism in the new media held in Vienna in July 2011. On the other hand, despite major efforts from the EU, the Ministerial Council in Vilnius in December 2011 could not reach a consensus on adopting ministerial decisions on these two topics that would have led to a further consolidation of OSCE commitments in that regard. A few eastern countries from the OSCE area had difficulties in recognising these EU priorities as priorities for the entire OSCE area.

Furthermore, the EU supported and shaped very useful events on topics that represent priorities for the EU within the OSCE, such as:

- the expert conference on women's entrepreneurship (Vilnius, 3 and 4 March 2011)
- the annual conference of the Alliance against Trafficking in Human Beings (Vienna, 20 and 21 June 2011)
- the OSCE meeting devoted to the development of national human rights institutions (ombudsperson institutions, commissions, institutes and other mechanisms).

Besides, the EU was very vocal in the weekly Permanent Councils and the monthly OSCE human dimension committees in 2011: they allow for a permanent review of the human rights commitments of the 56 OSCE participating states as well as open and frank debates about them. Many concrete problematic situations with regard to human rights and fundamental freedoms were highlighted and brought to public attention. The EU is convinced that the OSCE forum has been a very useful tool in the diplomatic human rights toolbox at its disposal.

## **5. COUNTRY AND REGIONAL ISSUES**

### **5.1. EU candidate countries and potential candidates**

#### **5.1.1. *Turkey***

The Commission's progress report of 2011 noted that, despite limited progress, significant efforts are needed regarding fundamental rights, in particular freedom of expression; the number of court cases against writers and journalists, and the frequent disproportionate website bans, raise serious concerns.

The number of new applications to the ECtHR went up for the fifth consecutive year. Some rulings have not been followed up by Turkey for several years. In addition, a number of reforms have been outstanding for several years and legislation on human rights institutions needs to be brought fully in line with UN principles.

At the EU-Turkey Association Council in April 2011, the EU encouraged Turkey to further improve the observance of fundamental rights and freedoms in law and in practice. Positive steps have been registered on civilian oversight of the security forces and implementation of the judicial reform strategy, but further progress is needed. Further efforts towards fully meeting the Copenhagen criteria are also required, inter alia as regards property rights, trade union rights, rights of persons belonging to minorities, women's and children's rights, anti-discrimination and gender equality, and the fight against torture and ill-treatment. The EU regretted that the democratic opening announced by the government in August 2009 to address the Kurdish issue in particular fell short of expectations as few measures had been put into practice. The EU called on Turkey to amend its anti-terror legislation to avoid undue restrictions on the exercise of fundamental rights.

Similar issues were covered in the Council conclusions of December 2011. The EU concluded that important priorities had been addressed, including civilian oversight of security forces, reform of the judiciary, freedom of religion and the ratification of the Optional Protocol to the UN Convention against Torture (OPCAT). It welcomed Turkey's first steps towards constitutional reform emphasizing that implementation in line with European standards remains key. The Council also encouraged Turkey to ensure the broadest possible consultation, involving all political parties and civil society. Furthermore, the Council invited Turkey to further improve the observance of fundamental rights and freedoms in law and in practice, in particular in the area of freedom of expression. The EU welcomed the adoption of legislation amending the Law of foundations that aims at facilitation of recovery of confiscated property of non-Muslim communities, provided it is implemented effectively.

Progress on the political criteria, including fundamental rights, is one of the key elements of the Commission's proposal to reinvigorate EU-Turkey relations and the accession process via a "Positive agenda", which was endorsed by the Council in December 2011. The positive agenda is to support and complement the accession process.

€ 780 million of pre-accession financial assistance were earmarked for Turkey in 2011. Turkey also benefited from support for cross-border cooperation and regional and horizontal programmes under the Instrument for Pre-Accession Assistance.

### 5.1.2. *Western Balkans*

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

The latest EU assessment of the situation is based on the Commission's annual progress reports, issued on 12 October 2011. The reports identify the rule of law, especially corruption and organised crime, the strengthening of administrative capacities, and freedom of expression in the media as major challenges in the region. They also stress the importance of regional cooperation and reconciliation in the Western Balkans.

Regarding the process of returning refugees and displaced persons, the Foreign Ministers of Bosnia-Herzegovina, Croatia, Montenegro and Serbia agreed on 7 November in Belgrade to pursue efforts to address all outstanding issues in this area and to convene a donor conference to finance a joint refugee programme on housing worth € 584 million.

The EU regularly discusses human rights issues with the countries of the region in various forums. EU assistance is provided through the Instrument for Pre-Accession Assistance (IPA) and is directed to short and medium-term priorities for further European integration. As part of the EU's overall effort in the Western Balkans, the EU ran three CSDP missions and maintained two EUSR offices in the region in 2011. The mandate of each operation stresses the importance of human rights and rule of law issues.

The EU supports the mandate of ICTY by stressing the need for full cooperation with the Tribunal as an essential condition of EU membership. The arrest and transfer of the two remaining fugitives in May and June 2011 contributed greatly to international justice and reconciliation in the region.

On 5 December 2011 the Council of the EU reiterated the importance of protection of all minorities and called on the governments of the region to take the necessary actions to address outstanding concerns.

### **5.1.3. Croatia**

In June 2011, Croatia concluded accession negotiations after successfully addressing certain benchmarks in the chapter on judiciary and fundamental rights, and making progress – throughout the whole EU approximation process - on human rights and democracy. It signed the Accession Treaty on 9 December 2011. Following ratification, Croatia will accede to the EU on 1 July 2013; until then Croatia is subject to the European Commission's monitoring of the commitments it has undertaken during the accession negotiations, in particular in the area of the judiciary and fundamental rights. The European Commission is reporting regularly to EU Member States. In its October 2011 progress report it noted that Croatia had taken various steps to raise public awareness and improve human rights protection. However, the enforcement of human rights requires continued attention, including on judicial efficiency and access to justice.

The EU closely monitored the implementation of the judicial reform strategy and the implementation of measures taken to strengthen the independence, accountability, impartiality and professionalism of the judiciary. Regarding war crimes prosecutions, the EU regularly assessed progress made on the impartial handling of trials. The issue of impunity still needs to be thoroughly addressed. The EU funded a project for NGO monitoring of war crime trials.

The EU underlined the importance of continued implementation of legal provisions on protection of rights of persons belonging to minorities, including the effective results in increasing minority employment. The EU also encouraged Croatia to implement improvements to women's rights, children's rights and the rights of people with disabilities.

The right economic and social conditions need to be created for the sustainable return of refugees. The EU, encouraged by the significant progress made by Croatia in its housing programme, kept the donor coordination lead and invited Croatia to continue to create the necessary housing. The EU recalled the need to fully address all cases of discrimination and stressed that dissuasive sanctions should be applied. The EU continued to fund capacity-building projects in the above fields through the Instrument for Pre-accession Assistance and the European Instrument for Democracy and Human Rights (EIDHR), including a series of grants to civil society organisations.

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

The EU continued to follow up the implementation of human rights in the country, and to promote them.



The EU, as a co-signatory of the Ohrid Framework Agreement (OFA) of 2001, monitors implementation of all policies deriving from it. The Commissioner for Enlargement and several MEPs participated in the events organised to mark the 10th anniversary of OFA at national level, along with the President of the Republic, the Prime Minister, his deputies, and representatives from across society.

The European Commission assessed that the country continues to meet the political criteria sufficiently. The country has continued accession-related reforms, though challenges remain. The Commission noted in its 2011 Progress Report that the legal and institutional framework for human rights and the protection of minorities is broadly in place, and encouraged a dialogue regarding serious concerns about lack of freedom of expression in the media.

In July the EU Delegation co-organised a workshop on Roma issues which drew up several documents. As a follow-up, targets have been established for the government covering wider rule of law and fundamental rights issues.

Fundamental rights were the focus of special attention at a meeting of EU Heads of Mission where human rights defenders' strategies and guidelines were reconfirmed, in parallel with a special discussion of LGBT rights. The EU Delegation also assisted a project to make citizens aware of rights of persons belonging to minorities through innovative cultural performances.

Under the 2011 Instrument for Pre-accession Assistance (IPA), the EU provided financial assistance of € 29 million, with € 8.8 million allocated for the protection and promotion of human rights. Furthermore, the 2011 European Initiative for Democracy and Human Rights (EIDHR) had an annual allocation of € 600 000 for projects in the context of the Ohrid Framework Agreement, promoting non-discrimination, social inclusion and social rights including protection of minorities and in particular Roma, with explicit mainstreaming of the rights of women, children and persons with disabilities.

The country has maintained the waiver agreement with the US which is not in line with relevant EU guiding principles concerning arrangements between a State Party to the Rome Statute of the International Criminal Court and the USA.

#### **5.1.5. Montenegro**

Montenegro has made some progress as regards promotion and enforcement of human rights. Further efforts are needed to comply with the *acquis* in this area, in particular when it comes to implementation and enforcement.

As regards fundamental rights, although some progress has been made in reinforcing the legal and institutional framework, the existing legal guarantees need to be fully enforced and administrative capacities strengthened. The role of the law enforcement authorities in protecting media freedom needs to be enhanced, in line with European standards and the case-law of the European Court of Human Rights.

The quality and sustainability of the dialogue between state institutions and civil society organisations has improved but needs to be further strengthened. Progress on inclusion of Roma, Ashkali and Egyptian persons remains limited. A strategy for durable solutions for issues regarding displaced persons in Montenegro was adopted in July 2011, with the assistance of the EU and UNHCR.

The legislative and institutional framework for elections has been considerably enhanced by the new election bill of September 2010, thus addressing the main recommendations of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Venice Commission on elections. Further sustainable efforts are needed to consolidate the parliament's legislative and oversight role. Authentic representation of minorities is guaranteed.

Human rights are part of the post-opinion monitoring mechanism. During the second Stabilisation and Association Council in 20 June 2011, the EU stated that the institutional and legislative framework concerning human rights was largely in place but that implementation of the existing legislation was not always satisfactory. The EU highlighted the need to continue to increase the awareness of law enforcement bodies and civil servants about all aspects of human rights violations. It called on Podgorica to investigate past cases of violence and intimidation against journalists and to reinforce efforts in the area of fighting ill-treatment and torture.

It welcomed the fact that Montenegro has aligned itself with the general EU position on the International Criminal Court, but also noted that Montenegro has maintained the waiver agreement with the US which is not in line with relevant EU guiding principles.

Strengthening the rule of law, the fight against corruption and organised crime, enhancing media freedom and guaranteeing the legal status of displaced persons and ensuring respect for their rights are key priorities for opening accession negotiations.

#### **5.1.6. *Albania***

The respect of democratic principles and human rights are enshrined in the Stabilisation and Association Agreement between the EU and Albania, which entered into force in April 2009.

Also in 2011, the political stalemate since the general elections in June 2009 played a major role. The violent incidents of 21 January 2011, which led to the death of four demonstrators, amplified the climate of mistrust. The local elections of 8 May 2011, as a result of the controversial vote count of misplaced ballots and contested results in Tirana, further accentuated the polarisation between the ruling majority and the opposition. While all of this diverted attention from much-needed EU policy reforms for much of the year, the return of the opposition to Parliament in September and a cross-party agreement in November on addressing some key reforms opened the way to progress.

Against this background, the government made some efforts to move ahead on the EU integration agenda, in particular with an Action Plan to address the 12 key priorities of the European Commission's 2010 Opinion. These priorities include reinforcement of human rights protection, particularly for women, children and the Roma minority, anti-discrimination as well as the need to take additional measures to improve treatment of detainees in police stations, pre-trial detention and prisons.

Following the expulsion of 45 Roma families in Tirana, the EU Delegation, the US Embassy and the OSCE Presence issued a joint statement in March 2011, calling for adherence to international obligations, urging the authorities to investigate and to provide the necessary social assistance.

With regard to the expulsion and the new EU Framework for National Roma Integration Strategies up to 2020, the EU Delegation held a special Heads of Mission meeting in June to discuss with the EU Member States, the Technical Secretariat for Roma of the Ministry of Labour and Social Affairs, and international and civil society organisations the main concerns related to the Roma community.

In December, the EU Delegation held a seminar aiming to identify potential solutions to improve the inclusion of Roma and Egyptian communities. The Albanian authorities are expected to report to the European Commission on implementation of the seminar's conclusions in 2012. Also in December, the EU Delegation signed ten new grant contracts for a total of € 1.2 million under the European Instrument for Democracy and Human Rights. The projects, implemented by local non-governmental organisations, are focused on improving access to justice for vulnerable and marginalised people, on promoting the rights of discriminated groups, and on fostering gender equality and women's empowerment.

Albania has maintained the waiver agreement with the US which is not in line with relevant EU guiding principles concerning arrangements between a State Party to the Rome Statute of the International Criminal Court and the USA.

In December 2011, Albania's Parliament approved the nomination of a People's Advocate (the appointment had been pending since February 2010).

### **5.1.7. *Bosnia and Herzegovina***

In March 2011 the Council agreed on a comprehensive EU approach: a reinforced strategy for BiH and a reinforced single EU presence on the ground (EU Special Representative/EU Delegation).

Within the established framework of the Stabilisation and Association Agreement process, Bosnia and Herzegovina engaged with the EU in a structured dialogue on the judiciary in June 2011, with the aim of consolidating what had been gained on the rule of law, establishing an independent, effective and impartial judicial system across the whole of BiH, and facilitating further integration into the EU.

In December 2011, BiH political leaders agreed on the formation of the Council of Ministers (after the general elections in October 2010) and on the adoption of a state budget for 2011, and also agreed to move ahead with the census and state aid laws, as well as with an effort to implement the Sejdic/Finci ECHR ruling. As a result, BiH continues to strive for progress in fulfilling its obligations under the Stabilisation and Association Agreement and the Interim Agreement to align the Constitution with the ECHR decision.

Political pressure on the media and the persistent division of the media landscape along ethnic lines continues to undermine the development of a tolerant society. Discrimination remains widespread and affects all sectors of social and political life. Roma and vulnerable groups remain the most affected. A limited effort has been made to improve the social inclusion of the Roma minority. Women's rights are poorly implemented. Little or no progress was made in improving the status of women subjected to rape and sexual violence during the war. A limited effort has been made to end discrimination and segregation in schools and to improve access to education.

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

Bosnia and Herzegovina has maintained the waiver agreement with the US which is not in line with relevant EU guiding principles concerning arrangements between a State Party to the Rome Statute of the International Criminal Court and the USA.

The 2011 allocation for component I of the Instrument for Pre-accession Assistance (IPA) is € 102.68 million. Among other activities, the IPA supports activities in education and the implementation of the Sarajevo process on refugee return in Bosnia and Herzegovina.

#### **5.1.8. *Serbia***

On 5 December, the Council welcomed the Commission's opinion of 12 October on Serbia's application for EU membership. The Council also acknowledges that Serbia has reached a fully satisfactory level in its cooperation with ICTY and noted that continued full cooperation with ICTY remains essential. Serbia made considerable progress towards fulfilling the political criteria set by the Copenhagen European Council and the Stabilisation and Association Process requirements, including on human rights and protection of minorities.

The EU continued to review the human rights situation, including the situation of socially vulnerable groups and minorities in Serbia within the framework of the Stabilisation and Association process. Furthermore, the EU Delegation in Belgrade has been closely monitoring the situation of human rights in Serbia, including the rights of persons belonging to minorities, through various means such as field missions, as well as through regular dialogue with relevant stakeholders such as civil society organisations and international organisations, in particular in the context of the preparation of the opinion.

Serbia's national allocation for 2011 under the Instrument for Pre-accession Assistance (IPA) totalled € 201 million. Financial assistance was directed to areas including strengthening the rule of law, human rights and education. A number of civil society initiatives are being supported under the national and regional IPA programmes as well as under the Civil Society Facility and by thematic financing instruments such as the European Initiative for Democratisation and Human Rights.

The EU Delegation in Belgrade continued to monitor the situation relating to human rights and rights of persons belonging to minorities with particular attention to the Roma minority, as one of the most discriminated and marginalised groups. The legal and institutional framework for the protection of fundamental rights has been established. Now the focus is on the implementation of human rights legislation which needs to be enhanced. Cooperation between the authorities and civil society improved through the establishment of the Governmental Office for Cooperation with Civil Society. The shortcomings of the judicial reform are being addressed through the ongoing review of the judicial reappointment procedure. A constant issue in relations with Serbia is the fight against corruption and organised crime, including the need to build up a credible track record of cases, with the EU side encouraging further efforts.

#### **5.1.9. *Kosovo*<sup>11</sup>**

In 2011 the European Commission Liaison Office to Kosovo (ECLO, called now the EU Office), the EU Special Representative and the EU's Rule of Law Mission in Kosovo (EULEX) all contributed to the adherence to and implementation of international human rights standards in Kosovo.

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<sup>11</sup> This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.



The European Commission provided human rights-related assistance to relevant institutions and local civil society through its Instrument for Pre-accession Instrument (IPA) and the European Instrument for Democracy and Human Rights (EIDHR). EIDHR assistance totalled € 900 000 in 2011. This included funding for a popular TV debate programme promoting investigative journalism, assistance to an organisation to prevent human trafficking as well as advocacy projects in the context of human rights. IPA projects entail activities to relocate Roma families living in led-contaminated areas in Kosovo, to readmit and reintegrate Roma families repatriated by EU member States, to return internally-displaced persons who fled to Serbia during the 1990's or because of the riots in 2004. Technical assistance was also provided through TAIEX to improve the freedom of expression via the amendment to the legal framework on the public broadcaster and the new Serbian-speaking channel.

The EU Special Representative was involved in promoting human rights through the monitoring and reporting on specific aspects of human rights and rights of persons belonging to minorities as well as through political advocacy towards the Kosovo institutions. Political advocacy and pressure to implement human rights standards were reflected in the Stabilisation and Association Process Dialogue (SAPD). During the SAPD sectoral meeting on Justice, Freedom and Security chaired by the Directorate-General for Enlargement, several recommendations were given to and followed by Kosovo authorities in particular with a view to streamline the institutions dealing with human rights, to enhance political support to the Ombudsperson and to address the numerous issues related to property rights in a coordinated manner. The ECLO regularly held consultations with local civil society organisations. Several of these consultations were related to human rights questions and the information collected was useful to draft the annual Progress Report, prepare SAPD meetings and organise a high-level and inclusive meeting on Roma integration issues chaired by the director in charge of the Western Balkans in DG Enlargement.

Following this meeting held in May in Pristina, EU actors were able to overcome hurdles for the schooling of 60 children from the Roma, Ashkali and Egyptian communities who had not attended school for several years. This was a milestone in the implementation of the "40 actions" which had been agreed at the conference. Further implementation of these actions is being monitored.

With regards to women's rights, some progress were reported in 2011 due to the adoption of the law for the protection against domestic violence and given the high responsibilities given to women in the new government, in addition to the election of a woman as the president of Kosovo.

EULEX continued to implement its mandate. Its central aim is to assist and support the rule of law institutions, judicial authorities and law enforcement agencies in their progress towards efficiency, sustainability and accountability. The Special Investigative Task Force (SITF) is investigating allegations of war crimes and organised crime in Kosovo and beyond, which were made by Mr Dick Marty in his 2011 report for the Council of Europe. The SITF's investigation will be complex and lengthy, and will be carried out in accordance with international human rights standards.

Constitutional and legal provisions for human rights in Kosovo are broadly aligned with EU standards but there is a lack of political will and means for implementation. Awareness on fundamental rights and rights of persons belonging to minorities remains also low. The Commission's 2011 Progress Report assessed that the promotion and enforcement of human rights remain a major challenge. The findings of the report were being used on a day-to-day basis to advocate adherence to international human rights standards.

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

### **5.2.1. *Eastern Partnership***

During 2011, the EU stepped up its dialogue and cooperation in the field of human rights with the countries of the Eastern Partnership (Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine) both bilaterally and multilaterally. The Summit held in Warsaw in September 2011 underlined that the Eastern Partnership (EaP) was based on the common values and principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law.

The multilateral dimension of the Eastern Partnership supports the approximation of partners to EU norms and serves as a vehicle to engage with a wide range of stakeholders (civil society, parliaments and regional and local authorities), ensuring that democracy and human rights issues remain high on the Eastern Partnership agenda.

To enhance support to foster human rights and democratic values, an Eastern Partnership Facility was launched in May 2011. The Facility, funded by the EU and implemented by the Council of Europe (CoE), aims to help partners move closer towards EU and CoE standards in areas of judicial reform and electoral standards, as well as fighting cybercrime and corruption.

### **5.2.2. *South Caucasus (regional)***

2011 was marked by further reform efforts undertaken by the South Caucasus countries to enhance the respect for human rights and foster democratic governance. However, progress in these areas was made at an uneven pace as the situation in Georgia, Armenia and Azerbaijan was still marked by lacking media pluralism, weak rule of law, violent crackdown on peaceful protests and political polarisation. The EU therefore kept the human rights situation in all three countries under close scrutiny, raising it at all possible bilateral meetings, including human rights-specific dialogues and subcommittees. This was even the more important, given in the spirit of the revised European Neighbourhood Policy the level of ambition of the EU's relationship with its neighbours will take into account the extent to which these values are reflected in national practices and policy implementation.

### **5.2.3. *Armenia***

The EU continued to encourage the Armenian authorities to take further steps to move on from the events of 1 and 2 March 2008 following the presidential elections. In May the National Assembly approved a presidential amnesty which also led to the release of all the opposition supporters detained in connection with the March 2008 events following the presidential elections. However, the Armenian authorities have yet to fully investigate the deaths that occurred during the clashes of March 2008, and the allegations of ill-treatment in police custody and violations of due process.

The EU encouraged the Armenian authorities to improve the situation regarding freedom of expression and the media, and more specifically as regards TV broadcasts and suits for insult and defamation. Following the entry into force of the new law amending the "Law on Television and Radio" in January 2011, the number of TV channels broadcasting in the capital was reduced from 22 to 18. The printed and online media remained more pluralistic but their reach is limited. The broadcast law, modified several times, continued to raise concerns as regards media pluralism. While the law decriminalised libel and insult, it resulted in high monetary fines for insult and defamation. Such fines can be imposed upon media outlets following civil suits. On 10 November, the OSCE Representative on Freedom of the Media called upon the authorities to further reform the legislation to adequately protect the media in civil defamation cases.

The EU called on the Armenian authorities to improve the situation as regards freedom of religion and belief. Although freedom of religion is generally respected, members of minority faiths sometimes face societal discrimination. The alternative civilian service remained a problem in 2011, with a need to ensure a truly alternative civilian service as recommended by the Venice Commission.

The third meeting of the EU-Armenia human rights dialogue took place in Brussels in December 2011. The dialogue was frank and open and the Armenian side demonstrated serious willingness to engage.

The EU continued to provide support to strengthening the institution of the Human Rights Defender's Office (HRDO), which continues to play a major role in monitoring the situation on human rights and fundamental freedoms in Armenia.

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

#### 5.2.4. *Azerbaijan*

The human rights situation in Azerbaijan was a matter of concern for the EU in 2011, which followed the developments in this area closely throughout the year, raising these issues in bilateral talks with the Azerbaijani authorities.

The heavy handed suppression of a wave of protest actions in March and in particular the rally in Baku on 2 April signalled an important setback on the democratisation and human rights front and non-compliance with the commitments taken towards the EU and in the framework of Azerbaijan's Council of Europe and OSCE membership. Nine EU statements were issued to express the concern by the EU. At the end of 2011, some 13 activists who participated in April 2011 events remained in prison. The wave of forced evictions of a large number of citizens from downtown Baku, sometimes against prior court decisions, motivated by extensive reconstruction of the city centre, has also become a source of concern.

Following the parliamentary elections of November 2010 and the shortcomings identified throughout the monitoring process, a series of proposals were presented by the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), most of which have not been addressed and none of these has been implemented (including the revision of the composition of election commissions at all levels). While the release of imprisoned journalist Eynullah Fatullayev in May 2011 was a welcome development, the conditions for exercising freedom of speech and freedom of assembly deteriorated with frequent harassment and intimidation of independent journalists and obstacles in the organization of rallies. Furthermore, Azerbaijan has refused to invite PACE Rapporteur for Political Prisoners Strasser.

As a follow-up to the first round of EU-Azerbaijan Subcommittee on Justice, Liberty, Security and Human Rights and Democracy, a civil society seminar on the working environment for NGOs was organised in Baku in June 2011. The second round of the Subcommittee discussions was held in November 2011 in Brussels. Issues related to human rights abuses are included at the EU-Azerbaijan high level meetings including of the Cooperation Council in November 2011.

### **5.2.5. Georgia**

In 2011, the EU and Georgia further deepened and broadened EU-Georgia relations within the Eastern Partnership framework. Negotiations on an EU-Georgia Association Agreement progressed at a good pace and Georgia made sufficient progress to start the negotiations for a Deep and Comprehensive Free Trade Area (DCFTA). In 2011, EU work on human rights was reinforced with new Human Rights Strategy for Georgia drafted and approved by Member States.

The fourth EU-Georgia human rights dialogue was held in Brussels in June 2011. The dialogue offered constructive discussions and more targeted interventions and engagement by the Georgian side than in previous sessions.

In 2011, the EU continued to provide support to strengthening the Public Defenders' Office (PDO) under the new "Comprehensive Institutional Building" Programme. The PDO continued its independent monitoring of human rights violations and issued concrete recommendations to the authorities. An example is the complete overhaul of the prison healthcare strategy after the 2011 PDO reports. In 2011, and for the first time, the Georgian Public Defender was elected as a member of the UN Committee against Torture.

Overall, Georgia continued to implement political reforms. It passed several amendments to key laws in the political and justice, freedom and security domains. Georgia continued to make progress in the fight against corruption. At the same time, questions remained about the fairness of the election environment, including the unequal weight of votes, ambiguities in the electoral dispute mechanisms, equal access to the media, and insufficiently regulated use of state resources for political purposes by the ruling party.

Georgia's governance also continued to be characterised by a dominant executive branch, weak parliamentary oversight and an insufficient degree of independence of the judiciary. The performance and the accountability of Georgian law enforcement agencies came under scrutiny after the violent dispersal of protests in May. Cases of excessive use of force by law enforcement agencies were not brought to justice. The reform and further liberalisation of the criminal justice sector continued in accordance with the plans and programmes agreed between the Government and the EU, while the large prison population remained a concern.

Georgia took an important step towards ensuring freedom of religion. Respect for labour rights and in particular Georgia's non-compliance with certain provisions of international labour rights conventions continued to be of concern. There were increasing concerns that property rights were not sufficiently respected.

The EU has been actively engaged in conflict resolution efforts through the EU Monitoring Mission (EUMM) and new EU Special Representative for the South Caucasus and the crisis in Georgia. Progress has been achieved in the field of service orientation towards internally displaced persons (IDPs) with some concerns remaining in relation to evictions. The EU, together with the OSCE and UN, continues to co-chair the Geneva talks.



### 5.2.6. *Belarus*

During 2011, the situation as regards respect for human rights, the rule of law and democratic principles deteriorated seriously in Belarus, in the aftermath of the violations of electoral standards at the presidential elections in 2010 and the subsequent crackdown on the opposition and civil society.

The Foreign Affairs Council on 31 January 2011 demanded the immediate release and rehabilitation of those detained on political grounds following the elections on 19 December and urged Belarus to respect the rights of detainees and their families. The Council also called on the Belarusian authorities to end the persecution of democratic forces, independent media and representatives of civil society, and students, and to end any penalisation or discrimination against those exercising their right to freedom of expression and freedom of assembly, including the leaders of the opposition parties.

In addition, in view of the recent events and developments, the Council decided on 31 January to impose travel restrictions and an asset freeze against persons responsible for the fraudulent presidential elections of 19 December 2010 and the subsequent violent crackdown on democratic opposition, civil society and representatives of independent mass media. It also reinstated the travel restrictions which had been suspended since 13 October 2008 in order to encourage progress. The restrictive measures were further strengthened by the Council on 21 March, 24 May, 20 June and 10 October.

On 17 June, the 17th session of the UN Human Rights Council adopted a resolution on human rights in Belarus, tabled by the EU.

Against the background of the politically motivated trials particularly during April and May, on 20 June 2010 the Council strongly condemned the detention, trials and sentencing on political grounds of representatives of civil society, the independent media and the political opposition, including the former presidential candidates, Nyaklyayew, Rymashewski, Sannikaw, Statkevich and Uss, and reiterated its call for the immediate release and rehabilitation of all political prisoners. The Council also deplored the continuing deterioration of media freedom in Belarus and called on Belarus to end the ongoing politically motivated persecution and harassment of democratic forces, independent media, civil society and those defending them.

In a statement on 16 July, the spokespersons of High Representative Ashton expressed concern about the brutal handling on repeated occasions of the "silent protesters" in Belarus.

In a declaration adopted by the EU Heads of State and Government on the occasion of the Eastern Partnership Summit in Warsaw on 30 September 2011, the EU expressed deep concern at the deteriorating human rights, democracy and rule of law situation, deplored the continuing deterioration of media freedom and called for the immediate release and rehabilitation of all political prisoners, an end to the repression of civil society and media and the start of a political dialogue with the opposition.

A statement was made on 8 August by the spokesperson of HR Ashton on the arrest of renowned human rights defender Ales Byalyatiski, and HR Ashton and Commissioner Štefan Füle made two joint statements on 23 and 24 November on his prosecution and sentencing.

In a joint statement with US Secretary of State Hillary Clinton, HR Ashton marked the first anniversary of the crackdown following the 19 December 2010 presidential elections, expressing concern about the situation and expressing the willingness of the US and the EU to assist Belarus in fulfilling its international obligations as regards respect for fundamental human rights, the rule of law and democratic principles.

Belarus remains the only country in Europe still applying capital punishment. On 22 July 2011, HR Ashton strongly condemned the reported execution of Mr Hyrshkawtsow and Mr Burdyka, and on 1 December 2011 she regretted the sentencing to death by the Supreme Court of Mr Kanavalaw and Mr Kavalow. On both occasions she called on Belarus to join a global moratorium on the death penalty.

At the international donors' conference "Solidarity with Belarus" in Warsaw on 2 February 2011, Commissioner Füle announced that the Commission would quadruple its aid to Belarusian civil society and would offer urgent support to victims, raising the total EU funding targeting the Belarusian population to € 17.3 million for 2011 to 2013.

#### **5.2.7. *Republic of Moldova***

In April 2011, the EU and the Republic of Moldova held the second round of human rights dialogue which was complemented in October 2011 by informal expert meetings with the Government of the Republic of Moldova and representatives of civil society, with the participation of OSCE, Council of Europe and UNDP representatives. As follow-up to the human rights dialogue, a Technical Assistance and Information Exchange (TAIEX) expert seminar on non-discrimination was organised in June 2011.

In spite of the continued deadlock over the election of a President of the Republic and the related political uncertainty, the Republic of Moldova continued to make sustained progress towards compliance with democratic principles and the rule of law.

In June, the country held local elections. They confirmed the improvement of the electoral environment (the Election Code was amended in March and April), in line with some of the recommendations of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) issued following the two nationwide polls held in 2010. However, in some places the lack of appropriate polling equipment affected the secrecy of the vote, and more generally electoral and political party legislation remains to be improved with regard to the funding of parties and electoral campaigns, complaints and appeals procedures, and voter registration.

Concerning freedom of expression, judicial practice did not keep up with the recent legislative improvements, continuing to refer in its rulings to the Civil Code rather than to the new law on freedom of expression. Hence the media did not enjoy the level of protection guaranteed by law. Concerning media freedom, the public broadcaster, Teleradio Moldova, was internally reformed into a modern broadcasting establishment. This broadcaster shifted its evening Russian-speaking news to a more inconvenient time slot, but extended at the same time the time allocated to such news.

The legal provisions in force provide a guarantee of the freedom of association and assembly. Violations of this right have become an exception. Upon application by Chisinau City Hall, the Chisinau Court of Appeal relocated the Equality Parade organised by the Lesbians, Gay, Bisexual and Transgender (LGBT) group from the centre of the capital city to a place where it would not attract attention.

Some progress can be reported on the protection of minorities. The government put in place Roma community mediators, with the help of UNICEF and the Council of Europe, and in July adopted an Action Plan on Roma Inclusion 2011-2015. The plan is currently under revision.

Antidiscrimination legislation is pending adoption by the Parliament. Discrimination on the grounds of sexual orientation persisted.

Limited progress was made as regards the integration of persons with disabilities. After the adoption of the UN Convention on the Rights of Persons with Disabilities (CRPD), the government approved a number of concepts for new social services for adults with mild mental disabilities.

With regard to children's rights, progress was uneven. The number of children in residential care is decreasing, but remains high (6 900 according to UNICEF). Despite major legislative changes in 2010, issues such as child labour and juvenile justice have not been adequately addressed. The juvenile justice system fails to meet recognised international standards and the vulnerability of children to trafficking and sexual exploitation is still a significant problem.

The government continued to implement the National Programme on gender equality 2010-2015. Labour legislation was amended in accordance with the revised European Social Charter, to include the concept of sexual harassment. However, women continued to be under-represented in both the central and local governments, even though the number of female mayors slightly increased following the local elections. Besides, despite the improved legal framework, the prevention mechanisms against domestic violence remained inefficient because of a lack of enforcement of court protection orders, on the one hand, and of a rehabilitation system for the perpetrators, on the other.

Progress was made as regards freedom of religion. The law on religious organisations was adopted by Parliament. In March 2011 the Ministry of Justice registered for the first time an Islamic cult organisation, the Islamic League of the Republic of Moldova. Members of religious communities can generally practice their religion freely and without fear of undue government interference. However, the manifestations of political interference and in some instances, hate speech, by representatives of the largely predominant Moldovan Orthodox Church were not combated in a sustained manner by the public authorities.

The Republic of Moldova faces a frozen conflict with its breakaway region of Transnistria which is run by its *de-facto* authorities. The human rights situation in the Transnistrian region remains a serious concern. Particular areas for improvement include the functioning of the local court system, detention conditions, freedom of expression, freedom of religion and belief and the right to education, in particular the possibility for Latin-script schools to function freely in the region. The recent change in the de-facto leadership has had an impact on the rhetoric surrounding human rights and it is hoped that the planned reforms in the aforementioned areas will be implemented as soon as possible.

#### **5.2.8. Ukraine**

Ukraine remains a country with democratic institutions, an engaged free press and an active civil society. However, a tightened grip by the executive on the judiciary, the politically-motivated prosecution of opposition leaders and the overturning of the 2006 constitution led to a deterioration in the vitality of political life. The rule of law remains weak, due mostly to a need for further development of the status and the capacities of key institutions.

Developments in 2011 in the area of democracy and human rights indicated a persistent trend of democratic regression undermining the significant progress previously made. Several high ranking former officials and leading opposition figures, including former Prime Minister Tymoshenko, were subjected to selective justice, characterised by non-transparent and flawed judicial processes. This attracted substantial criticism both at home and abroad. Concerns were also expressed about the considerable delays observed in arranging specialised medical examinations for persons held in detention. International and domestic human rights organisations continue to report on an increasing number of complaints of torture and ill-treatment in prisons and detention facilities, and on failures to ensure appropriate medical care. There is excessive use of pre-trial detention measures, exacerbating overcrowding in detention facilities. The implementation of Ukrainian court decisions and European Court of Human Rights rulings is still presenting shortcomings.

The Government did some work on preparing new legislation on freedom of assembly and NGOs. Reports continued indicating that the law enforcement bodies resort to various means to deter public displays of discontent and on occasions tried to limit freedom of assembly. Journalists complained of de facto censorship and pressure from law enforcement bodies. The adoption of comprehensive anti-discrimination legislation is still pending.

An EU-Ukraine Ministerial meeting on Justice, Freedom and Security was held in Kyiv on 16 June 2011. This restated the need for Ukraine further to strengthen respect for human rights, fundamental freedoms, democratic values and the rule of law based on an independent and impartial judiciary. At the EU-Ukraine Summit in Kyiv on 19 December 2011, the leaders reached a common understanding that Ukraine's performance, particularly in relation to respect for common values and the rule of law, will be of crucial importance for the speed of its political association and economic integration with the EU, including in the context of conclusion of the Association Agreement and its subsequent implementation.

### **5.2.9. *Union for the Mediterranean***

The Union for the Mediterranean (UfM) was launched at a Summit in Paris on 13 July 2008, which underlined a commitment to strengthen democracy and political pluralism by the expansion of participation in political life and the embracing of all human rights and fundamental freedoms. 2011 witnessed sweeping changes in the Southern Mediterranean with the overthrow of repressive regimes in Egypt, Tunisia, Libya and the ongoing violence in Syria. Repercussions were felt in Lebanon, Morocco, Jordan and Algeria which reacted with an increased commitment to reforms. The renewed European Neighbourhood Policy acknowledged the UfM as an important regional framework, complementing the bilateral relations between the EU and its partners; it called for the UfM Secretariat to assume the role of catalyst for the promotion of key projects; and it outlined the need to provide, on a "more for more" basis, greater support to partners committed to democracy, including human rights.

Thus, the SPRING programmes adopted by the Commission reward partner countries truly committed to reforms including those in the area of human rights. In parallel, the Euro-Mediterranean Human rights network, which brings together 64 human rights organisations in the Euro-Mediterranean region, continued to support reform processes in the Arab world.

### **5.2.10. *Egypt***

In a joint statement in February 2011, the President of the European Council Herman Van Rompuy, the President of the European Commission Jose Manuel Barroso, and EU High Representative Catherine Ashton welcomed the decision by President Mubarak to stand down. The EU praised the courage of the Egyptian people and called on the army to ensure that the democratic change took place in a peaceful manner, expressing its firm commitment to step up its assistance to Egypt and its people during the transition.



From the beginning of the Egyptian popular uprising in January 2011 the EU firmly opposed any unjustified restrictions on the right to freedom of peaceful assembly. For example in January 2011, the High Representative and the EU Foreign Affairs Council conclusions expressed great concern over the reports that peaceful demonstrators were being violently attacked by armed individuals, and passed a strong message to the Egyptian authorities to immediately take the necessary measures to ensure that the law enforcement authorities protected the demonstrators' right to assemble freely and released those detained for peacefully expressing their views, and urged the authorities to honour their promise to end military trials for civilians.

At the beginning of the uprising, the Egyptian government blocked several social networking websites, and the Egyptian police force arrested dozens of reporters from local and international media. In a statement in January 2011, the EU urged the Egyptian authorities to restore all communication networks without delay.

The EU welcomed the constitutional amendments adopted by referendum in March 2011 and supported the electoral process which started in November 2011 by providing financial support for Egyptian civil society organisations to train over 1000 election observers, raise voter awareness and build the capacity of the Electoral Commission. On 30 March 2011 the EU organised a seminar on the "Challenges for Human Rights after 25 January".

The EU welcomed the Government's announcement that the National Security Service would be subject to judicial oversight and only work as a civilian intelligence gathering agency, and offered to assist in security sector reform.

High Representative Catherine Ashton met with women's representatives and listened to their concerns on the occasion of her third visit to Cairo on 14 April 2011. The EU strongly condemned all forms of violence against women and other vulnerable groups and raised these issues regularly with the Egyptian authorities; it supported the authorities' efforts to promote women's rights, and proactively supported civil society initiatives that promote women's rights.

The protection of persons belonging to minorities and the fight against discrimination, including on religious grounds, was retained as a priority in the programming of EU cooperation with Egypt. The EU has repeatedly expressed a strong concern regarding freedom of religion in Egypt, and in recent statements (on 1 January, 7 May and 10 October), the High Representative unreservedly condemned the attacks against innocent Copt worshippers and called on the interim leadership to restore order, and bring those responsible for the violence to justice, before civilian courts.

The EU watches the situation of migrants and refugees in Egypt very closely, through its delegation in Cairo and regular contacts with the Egyptian Ministry of Foreign Affairs, the Ministry of Interior and UNHCR. The EU has urged the Egyptian authorities to take appropriate measures against human trafficking and to ensure the protection of the fundamental rights of the migrants and refugees under their responsibility. The EU welcomed government indications that the Sinai is a strategic priority which should receive greater attention and stands ready to support the Egyptian authorities in this endeavour.

On 29 December 2011, Egyptian security forces and public prosecutors raided several local and international civil society organisation offices in 17 locations across the country, and confiscated computers and files. Procedural irregularities were noted during the raids, such as the lack of search warrants or lack of judicial orders to close the offices. In a statement on 30 December, the spokesperson of EU High Representative called on the Egyptian authorities to resolve the situation and allow civil society organisations to continue their work in support of Egypt's transition.

The EU Foreign Affairs Council on 1 December 2011 welcomed the well-organised and peaceful start of the parliamentary elections in Egypt on 28 November and took note of the announcement by the Supreme Council of the Armed Forces that presidential elections would be held before the end of June 2012. The Council underlined that a swift move to civilian rule should take place as soon as possible.

#### **5.2.11. *Israel***

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

The EU-Israel informal working group on human rights met for the fifth time on 13 September 2011. It dealt in detail with a number of issues related to the situation in Israel. These included the legal status and economic position of Israeli minority groups, with a strong focus on the Bedouin community settlement and property rights. As regards the Arab minority in general, the EU called for an improvement of the current legal framework so to better prevent forms of discrimination and encouraged Israel to implement the 2010 concluding observations of the UN Committee on Human Rights and of the UN Committee on the Elimination of Discrimination against Women (2011) related to the Palestinian Arab community. and measures taken in the fight against discrimination. Several legislative proposals in the Knesset aimed at restricting freedom of association and the operations of NGOs and civil society at large were also discussed, inter alia .the bill on "NGO-financing from abroad", adopted in February 2011 as well as the law on boycott. The conditions of detention and detainees in Israel and Europe were also widely addressed, the EU reiterating its concerns on the practice of administrative detention and raising a few individual cases. Rights of the child, in particular as regards the detention of children, were given significant attention during the discussions. Furthermore, several points were raised as issues of common concern by the Israeli side, notably rights of persons belonging to minorities in EU countries, while Israel outlined the recent developments in LGBT rights such as the legal prohibition of discrimination against same-sex couples in several areas, and the recognition, by the Supreme Court, of pension and maternity leave rights. The delegations held exchanges on Anti-Semitism and xenophobia issues and reminded the importance of the EU-Israel yearly seminars on the issue, building up on the priorities of the Action Plan. Eventually, actions undertaken in international fora on Human Rights (UNGA and HRC) and cooperation with UN mechanisms were discussed in depth, as well as the ratification and implementation of the core UN human rights instruments and their optional protocols (especially Convention on Torture and its optional protocol)..

Human rights issues in relation to the Occupied Palestinian Territory were also raised with Israel in the framework of the EU-Israel subcommittee on political dialogue and cooperation.

### 5.2.12. *Occupied Palestinian Territory*

The EU holds a regular dialogue on human rights issues with the Palestinian Authority (PA) within the framework of the European Neighbourhood Policy (ENP). The third EU-PA subcommittee on Human Rights, Good Governance and Rule of Law was held in Bethlehem on 30 and 31 March 2011. A consultative forum with civil society was organised by the PA following the subcommittee. The Independent Commission for Human Rights (ICHR), which was part of the Palestinian delegation, gave an overview of the human rights situation in the Occupied Palestinian Territory, noting that the occupation and the internal Palestinian political division had contributed to many human rights violations.

The EU raised its concern regarding human rights violations including arbitrary detention, non-enforcement of court decisions as well as violations of the right of freedom of expression and assembly. It also raised the issue of the allegations of torture in PA detention facilities as well as the prevalence of unlawful arrests. The EU recalled its strong and principled opposition to the death penalty in all circumstances. It commended the PA for maintaining the de facto moratorium on the death penalty and urged the PA to pursue its plans to formally abolish the death penalty as a punishment in the process of adopting a new penal code.

The EU spoke out on various occasions in 2011 about the situation of human rights in the Occupied Palestinian Territory, which continued to suffer setbacks. On numerous occasions the EU regretted settlement-related activity in the West Bank including East Jerusalem and recalled that it considers settlements and the demolition of homes as illegal under international law.

In 2011, the situation of Palestinian human rights defenders remained critical in the Occupied Palestinian Territory. The Israeli trial of human rights defender Bassem Tamimi continued. On 13 December 2011, a statement by the spokesperson of the High Representative, Catherine Ashton, regretted the death of his nephew Mustafa Tamimi, who was killed by a tear gas canister fired at close range while taking part in a weekly demonstration.

The EU also condemned the burning of mosques in the West Bank as settler violence increased by 40 % in 2011, resulting in Palestinian casualties and property damage.

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

#### **5.2.13. *Jordan***

The sixth round of the "Human Rights, Governance and Democracy" subcommittee between Jordan and the European Union took place in Brussels in March 2011. It was the first since the EU agreed an "advanced status" partnership with Jordan in October 2010.

The EU-Jordan human rights dialogue addressed home-grown reforms, including the reform of the electoral framework and freedom of association, freedom of assembly, freedom of the media, freedom of expression, freedom of religion or belief, women's rights, and the issue of torture.

In 2011, similarly to other countries in the region, Jordan witnessed demonstrations calling for political and economic reforms and requesting the end of the endemic corruption. In response to the evolving domestic political context and increasing demand for reforms, King Abdullah set up the National Dialogue Committee (NDC) and the Royal Committee on Constitutional Review (RCCR), respectively in March and April 2011.

The NDC was tasked to propose consensus-based drafts for the electoral and political parties' laws while the RCCR was entrusted with the task of reviewing the Constitution. At the end of September 2011, the Parliament endorsed 41 constitutional amendments which entered into force on 1 October 2011. These amendments represent the framework for the Jordanian political reforms which include the establishment of a Constitutional Court and of an independent commission overseeing and managing elections, and the prohibition of torture.

The adoption by the Parliament of implementing laws should pave the way for the consolidation of the institutions safeguarding democracy, good governance and the rule of law, and ensure genuine political pluralism and the empowerment of political parties.

The revised Public Gatherings Law entered into force in May 2011, introducing some positive changes in terms of freedom of expression and assembly. The organisers of public gatherings no longer need the approval of the Ministry of Interior. They only need to notify the authorities 48 hours prior to the event.

As regards freedom of the press, mainstream and online news portals were confronted by security agencies on several occasions notably when reporting on demonstrations.

The spread of corruption in Jordanian society remains a matter of serious concern and a key priority of successive governments, but with limited tangible results.

Jordan continues to apply a de facto moratorium on the application of the death penalty which has been in place since May 2006.

Jordan needs to make additional efforts to eradicate violence against women, also by introducing further measures aiming at promoting women's integration in the political, economic, education and employment areas. Children born to Jordanian women married to foreigners still cannot acquire Jordanian citizenship, thus depriving them of the right to public education and healthcare. Similarly their foreign husbands do not enjoy the same civic rights as Jordanian men married to foreigners.

#### **5.2.14. *Lebanon***

Following the political stalemate in the first half of 2011, the EU's relations with Lebanon were revived after the formation of a new government in July 2011. In December the Association Committee launched the preparation of a new European Neighbourhood Policy Action Plan.

The EU was actively involved in discussion with the new government on electoral reform. A draft law was presented by the Ministry of Interior in October 2011. The EU advocated the inclusion of recommendations from the election observation mission which took place in 2009. The EU assigned € 2 million to support electoral reform in Lebanon ahead of the 2013 elections.

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



The deplorable situation in Lebanese prisons is still a concern. The number of inmates that are waiting to be tried or have even finished their sentence remains above 50 %. Civil society organisations continue to report the use of arbitrary detention, in particular in the case of refugees and migrants.

The EU reiterated its call on Lebanon to improve the situation of Palestinian refugees, especially with regard to their right to work and to be covered by social security, as well as to their rights to own, to inherit and to register property. Implementation decrees relating to the labour law amendments of 2010 are yet to be adopted.

A draft National Action Plan for Human Rights has been finalised by the Parliament and could be adopted soon.

The EU intervened to support the right to freedom of expression by human right defenders, who were facing charges due to their reports on the use of torture.

#### **5.2.15. *Syria***

Following the uprising in Syria, which began in spring 2011, and the escalation of violence and human rights violations by the Syrian Government against its citizens, the Foreign Affairs Council of May 2011 took the decision to suspend bilateral cooperation programmes between the EU and the Syrian government. The EU also froze the draft Association Agreement. Since then, the Commission has suspended the participation of Syrian authorities in its regional programmes, and the European Investment Bank (EIB) has suspended all its loan operations and technical assistance to Syria.

The EU called for President Assad to step aside, and worked closely with the international community to put pressure on the Syrian Government to stop all violence. The EU supported the League of Arab States (LAS) in its efforts to solve the crisis and urged UN Security Council members to agree on strong UN action towards Syria. The EU's restrictive measures, including an arms embargo, have been in place in relation to Syria since May 2011 and new measures have been introduced regularly. At the end of 2011 the EU had imposed ten rounds of sanctions on 86 individuals and 30 entities, including many military and security officials responsible for the violence and repression.

Throughout the uprising, the EU has repeatedly condemned in the strongest terms the ongoing brutal repression led by the Syrian regime against its population as well as the widespread human rights violations, including the killing, mass arrest and torture of civilians, peaceful protestors and their relatives, which may amount to crimes against humanity. The EU has urged the Syrian regime to allow unhindered access to humanitarian workers and agencies and to allow access to media and independent observers.

The EU has worked closely with international partners to ensure a strong UN response to the crisis in Syria. This has resulted in the UN General Assembly and the UN Human Rights Council (HRC) adopting important resolutions on Syria. No fewer than three special sessions on the human rights situation in the Syrian Arab Republic were held by the HRC in Geneva in 2011, two of them at the formal request of the EU.

The EU has also expressed its grave concern on the findings of the report of the Independent International Commission of Inquiry on Syria, which states that crimes against humanity and other gross violations of human rights have been committed in the country. The EU has continuously stated its position that there should be no impunity for the perpetrators of alleged crimes such as those referred to in the report.

### 5.2.16. *Tunisia*

The Tunisian revolution opened the way for the transition of the country towards democracy. For the period 2011 to 2013, the EU had earmarked € 240 million for bilateral cooperation with Tunisia from the European Neighbourhood and Partnership Instrument (ENPI). This indicative amount was increased by € 150 million. For 2011 alone, the EU doubled financial assistance from the € 80 million planned to approximately € 160 million. These funds targeted in particular economic recovery, civil society and democratic transition.

In a joint statement in January 2011 EU High Representative Catherine Ashton and Commissioner Štefan Füle reaffirmed the EU's solidarity with Tunisia and its people, condemned the violent repression of the demonstrations and urged the Tunisian authorities to act responsibly, preserve peace, show restraint and avoid violence. The uprising led to President Zine El Abidine Ben Ali officially resigning on 14 January 2011.

The Council adopted restrictive measures toward Tunisia for violations of human rights on 31 January 2011. In February 2011 the EU froze the assets of Mr Ben Ali and persons under inquiry for embezzlement of state funds in Tunisia.

EU political support for the Tunisian transition was demonstrated by a series of high-level visits, on 14 February 2011, by EU High Representative Catherine Ashton, followed by European Commission President Barroso, Commissioners Füle, Malmström and De Gucht, as well as European Parliament President Buzek.

The EU called on the transitional government to ensure a rapid and smooth transition towards democracy and expressed its readiness to provide immediate assistance to prepare and organise the electoral process and to work together on a broader package to assist with democratic reforms and economic development.

The EU welcomed the transitional government's decisions on freeing political prisoners, allowing freedom of expression and prosecuting members of former president Ben Ali's family for corruption.

The EU provided immediate support for the preparation of the elections, and deployed a Election Observation Mission (EOM) led by Michael Gahler, whose report stated that the elections were generally well-conducted, underpinned by a strong political consensus, accompanied by extensive freedom of expression and organised in a transparent manner.

For the first time, Tunisian citizens had the opportunity to choose their representatives in a free and democratic manner in October 2011. The newly elected Constituent Assembly will now have the key task of writing the new Constitution of the country. The EU declared that it is committed to continuing its political and financial support for the Tunisian people. Nevertheless the EU regretted the violent clashes that occurred after the announcement of the preliminary results of the elections and urged calm and restraint.

In 2011, € 2 million was mobilised through the Instrument for Stability for the support of seven projects aimed at helping the Tunisian authorities to prepare for democratic elections in accordance with international standards, supporting the development of an independent civil society and enabling citizens' associations to play an active role in the definition of the country's reform programme.

In addition, a call for proposals was launched in March 2011 under the European Instrument for Democracy and Human Rights with a budget of € 2 million. Ten projects were funded in the following three areas: national monitoring of elections, training of political parties, and support for freedom of expression and promotion of democratic values.

Moreover, another call for proposals was launched in July 2011 under the "Non-state actors and local authorities in development" thematic programme (NSA/LA) for a total budget of € 2.5 million. The call focused on the promotion of local development projects with specific attention being paid to job creation and income generation. Six projects were funded.

In September 2011, the EU organised the first session of the EU/Tunisia Task Force set up in order to ensure better coordination of European and international support for Tunisia's transition.

Considerable humanitarian support was also made available, in particular to help Tunisia to cope with the influx of refugees fleeing war in Libya. In 2011 the EU launched a dialogue on migration, mobility and security with Tunisia.

On 27 December 2011 the EU welcomed the appointment of the new Tunisian government and expressed its commitment to continue assisting the Tunisian authorities and civil society in the country's transition towards democracy.

The EU re-launched the negotiations aiming to establish a privileged partnership between the EU and Tunisia through the adoption of "advanced status".

### 5.2.17. *Algeria*

The first meeting of the EU-Algeria subcommittee on Political Dialogue, Security and Human Rights was held in Algiers on 3 and 4 October. The 6th session of the EU-Algeria Association Council took place in Luxembourg in June. On that occasion, topics related to democratisation, reforms and human rights were thoroughly discussed. Commissioner Füle visited Algeria for the second time in May. During this visit, he met with a large range of civil society organisations and, amongst other topics, discussed the planned political reforms with the Algerian authorities.

During the last EU-Algeria Association Committee held in December in Brussels, Algeria expressed its willingness to start exploratory negotiations for the drawing up of an Action Plan in the context of the renewed European Neighbourhood Policy. On 20 December, Algeria officially invited the EU to observe the legislative elections of May 2012.

On 29 April 2011 the High Representative expressed her concern about the murder of Professor Ahmed Kerroumi, a human rights defender, who belonged to the "Democratic and Social Movement" political party. She called for a swift and thorough investigation to be carried out, and for those responsible for his murder be found and brought to justice. She recalled the EU's commitment to partnership with Algeria and the EU's engagement in support of human rights defenders and civil society organisations.

The Algerian authorities lifted emergency rule at the beginning of 2011 and committed themselves to political and socio-economic reforms. The EU expressed its readiness to support Algeria in this task but underlined the need for those reforms to be implemented in a way that responded to the legitimate aspirations of the Algerian people. The reforms were discussed with the Algerian authorities on the occasion of the first session of the Subcommittee on Political Dialogue, Security and Human Rights, as well as during the second session of the EU-Algeria Association Committee. The EU expressed the position that the legislative reforms, especially on associations and media, should not impose a more restrictive regime on the exercise of the freedoms of association and expression. The analysis of the new associations' law conducted by several NGOs raises concerns, especially with regard to the establishment and dissolution of associations, their scope of activities, their funding and their cooperation with international NGOs.

The EU monitored developments concerning freedom of religion and conscience closely.

Regarding women's rights, the EU welcomed the reform project, (subsequently adopted in January 2012), aiming at ensuring a quota of women in elected assemblies. Questions remain on whether its implementation will allow for real equality. The EU raised concerns about the fact that Algeria has not yet withdrawn its reservations on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). A need to reform the "*Code de la famille*" was also underlined by the EU.

EU staff had regular meetings with civil society organisations both in Algiers and Brussels. In Algiers, the Delegation was very active in making civil society aware of funding possibilities and procedures. Consultations with national and international NGOs were held within the scope of the civil society aid effectiveness group and on the occasion of the celebration of international days (eg human rights day).

Fourteen additional projects received funding under the European Instrument for Democracy and Human Rights and the Non State Actors programme in 2011. They cover a very wide range of topics, including local development, capacity building, women's rights, and health.

Algeria benefits from a total budget of € 172 million for 2011 to 2013, financed through the European Neighbourhood and Partnership Instrument. In 2011, the European Commission earmarked € 58 million for Algeria. This funding is used to support reform in the areas of transport, culture and heritage, and youth and employment.

#### **5.2.18. *Morocco***

The EU and Morocco continued their dialogue in the human rights field, in particular with the sixth meeting of the subcommittee on human rights, democratisation and governance which was held in Brussels on 20 October 2011.



In a joint statement issued on 19 June 2011 by EU High Representative Catherine Ashton and Commissioner Štefan Füle, EU Commissioner for Enlargement and European Neighbourhood Policy, the EU welcomed the revised version of the Constitution, submitted to referendum on 1 July 2011. The new Constitution contains important measures on human rights and fundamental freedoms, including the principle of the primacy of international law over national law; the recognition of the civic rights of women and their equality with men; the new institutional framework for human rights; the creation of the National Human Rights Council and the inter-ministerial delegation on human rights, and the establishment of the Ombudsman. The Moroccan authorities decided to bring forward the date of the legislative elections and elect the House of Representatives. The elections were held on 25 November 2011. By agreement with the Moroccan Government, an EU electoral expert mission took place from 14 November to 2 December. The mission issued a report with several recommendations on improving certain aspects of the electoral process (increasing the length of the election campaign; announcing the results in terms of votes; participation of women, etc). The EU welcomed the organisation of these elections (in a statement on 26 November 2011) and undertook to support Morocco's efforts to implement a rapid ambitious reform agenda.

In May 2011 the Council of Government announced their decision to ratify the Optional Protocol to the Convention against Torture. The EU also encouraged the Moroccan Government to accede to the first Optional Protocol to the International Covenant on Civil and Political Rights concerning complaint procedures and to ratify the International Convention for the Protection of All Persons from Enforced Disappearance. On the freedoms of association and assembly (included in the new Constitution), practical problems of implementation remain (problems registering foreign NGOs, refusals to issue receipts, obstacles to demonstrations). Cases of violence by the law enforcement services against demonstrators, particularly the 20 February movement, have been reported. In its dialogue with the Moroccan authorities the EU stated the importance of ensuring freedom of assembly and of association.

The freedom of expression and freedom of the press have also been enshrined in the Constitution, as has the right of access to administrative information and the specific means of regulating it, namely the high authority for audiovisual communication. While journalists are generally able to voice their criticisms, several cases of repression and intimidation involving the media and journalists who have been critical on sensitive subjects were reported. The EU encouraged Morocco to adopt a new Press Code as soon as possible, to include a reform of the custodial sentences for journalists.

Regarding the rights of women and vulnerable people, Morocco adopted a government Agenda for Equality for 2011 to 2013. The EU provided € 35 million towards implementation of the Agenda, particularly to raise public awareness and strengthen the ability of women to participate in political governance and management of public affairs on an equal footing with men. Morocco withdrew all its reservations on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), but retained some declarations which are to be withdrawn in parallel with the harmonisation of its domestic law. In May 2011 the Council of Government adopted the Optional Protocol to the Convention (allowing the Committee to receive individual petitions). The draft law on the working conditions of domestic staff (which also includes the prohibition of work by children under the age of 15) was adopted by the Council of Government in October 2011.

Cooperation between the EU and Morocco in international organisations, particularly the United Nations Human Rights Council, was stepped up. In the context of the Arab spring, Morocco actively participated in the United Nations Contact Group for the resolution of the conflict in Libya, and cooperated with the EU on respect for human rights in Syria.

### 5.2.19. *Western Sahara*

The EU continued to follow the Western Sahara issue closely and in particular in its dialogue with both Morocco and Algeria. The EU attaches great importance to improving the human rights situation in Western Sahara, where problems persisted relating to the freedom of expression and assembly. The EU fully supports the commitment of the UN Secretary-General and his Personal Envoy to the question of Western Sahara, and has called upon the parties to continue negotiations under the auspices of the UN with a view to finding a just, lasting and mutually acceptable political solution. In UN Security Council Resolution 1979 (2011) the Security Council welcomed the establishment of a National Council on Human Rights in Morocco and the proposed component regarding Western Sahara, as well as Morocco's commitment to ensure unqualified and unimpeded access to all Special Procedures of the United Nations Human Rights Council.

### 5.2.20. *Libya*

Following the Gaddafi regime's brutal repression of and attacks against its own citizens, on 22 February 2011 the EU decided to suspend negotiations on the EU-Libya Framework Agreement.

Thereafter the EU took a leading role in the decision taken by the UN General Assembly on 1 March to suspend Libya's membership rights in the Human Rights Council.

On 11 March an Extraordinary European Council was held in the light of the events in Libya. The leaders called on Colonel Gaddafi to relinquish power immediately and stated that the National Transitional Council (NTC) would be considered by the EU as a legitimate interlocutor. In successive Foreign Affairs Councils and European Councils, the EU reiterated its calls for the regime to end the violence and human rights violations against its citizens and underlined its support for pro-democratic forces. In addition, President Barroso, President Van Rompuy and High Representative Catherine Ashton issued statements on a wide range of issues ranging from human rights (including the protection of civilians, and the condemnation of arbitrary detention and extra-judicial killings and of discrimination against vulnerable groups), to the use of cluster munitions, the status of the NTC, and overall support for Libyan civilians.

In response to the crisis, the EU swiftly implemented restrictive measures provided for in UN Security Council Resolutions 1970 and 1973 together with a range of autonomous additional restrictive measures. Such measures aimed at protecting civilians by preventing arms and money reaching the Gaddafi regime and by targeting the inner circle responsible for ordering the violence with travel restrictions and an assets freeze.

The EU played an active role in efforts by the international community to seek a resolution to the conflict. EU representatives were present at the Paris and London summits, at Libya Contact Group meetings and of those of the Cairo Group, as well as at the Paris summit on 1 September and the Friends of Libya meeting held in New York in the margins of the UNGA, during which the NTC gained full recognition from the international community as Libya's legitimate authority.

On 22 May 2011, the High Representative visited Benghazi and officially inaugurated the EU technical office. The EU Office was tasked to liaise with the Benghazi-based NTC and to coordinate EU assistance on the ground. On 12 November, following the liberation of Tripoli, the High Representative visited Tripoli to open the EU Libya Delegation officially, and to meet NTC authorities in their capital as promised during the Benghazi visit in May.

Since the beginning of the Libyan crisis, the EU has provided more than € 158 million in humanitarian support and mobilised EU civil protection teams and assets to help civilians both in Libya and at its borders. Following the liberation of the country, the High Representative announced a package of € 30 million in immediate assistance, including in the areas of respect for human rights, the prevention of torture and ill-treatment, and strengthening civil society.

Several Members of the European Parliament visited Libya in the course of the year thereby helping to raise awareness in Europe of the challenges faced by the interim authorities in taking forward a process of democratic transition.

The High Representative stressed that the new Constitution should enshrine women's rights, to make sure that women are a part of the process. The EU facilitated the participation of women from 12 different Libyan cities in the elections in Tunisia.

On 21 December, 2011 the EU Council unfroze all funds and assets of the Central Bank of Libya and the Libyan Arab Foreign Bank held in the EU, to support the recovery of the Libyan economy and assist the new Libyan authorities.

### 5.3. Russia and Central Asia

#### 5.3.1. *Russia*

The EU and Russia continued to hold their regular biannual human rights consultations in 2011. The thirteenth and fourteenth rounds were held in May and in November, both in Brussels. They provided for an open dialogue on a range of human rights issues in Russia, in the European Union, and in international forums. Particular themes highlighted were: freedom of expression, freedom of assembly and association, the situation of human rights defenders, the rule of law, the functioning of the judiciary, electoral rights, racism, xenophobia and the fight against discrimination (including in particular LGBTI rights), the rights of the child, cooperation on human rights in international forums (UN, Council of Europe, OSCE), and the Northern Caucasus.

The EU and Russia also had an opportunity to submit enquiries with respect to specific individual cases. In keeping with the EU's practice of incorporating the voice of civil society into its meetings on human rights with third countries, the EU met representatives of Russian and international NGOs prior to each round of consultations. The European Parliament was also kept informed through dedicated briefings and debriefings.

To make the consultations more effective and results-oriented, the EU continued to urge Russia to change the arrangements for the human rights consultations, in particular by involving ministries and agencies other than the Ministry of Foreign Affairs, by holding the consultations alternately in Russia and the EU, and by meeting with Russian and international NGOs. This issue was addressed at the two EU-Russia Summits, both in Nizhny Novgorod in June, and in Brussels in December, and discussed between Presidents van Rompuy and Medvedev in an exchange of letters. Human rights issues, in general, continued to be raised at all levels of the relationship between the EU and Russia, including at the highest level.

The EU continued to highlight its concerns with regard to Russia's respect for the commitments it has entered into in the UN, the OSCE, and the Council of Europe. Since 2011 was an election year, the electoral rights of the Russian population were among key issues discussed with the Russian Federation, ranging from the issue of political party registration, to fair access to resources and media, freedom of assembly for opposition gatherings, and election observation. Several statements were issued by High Representative Catherine Ashton in this regard both before and immediately after the elections.

The difficult situation for human rights defenders, a number of violent attacks against journalists and prominent activists in the Russian Federation, and limitations on the respect for freedom of expression, freedom of association, and freedom of assembly remained of great concern to the EU. There have been no results from the investigations of the murders of human rights defenders such as Estemirova, or the deaths in pre-trial detention of Magnitsky and Trifonova. On 27 December the Head of the Presidential Council on Human Rights and Civil Society, Mikhail Fedotov, handed to President Medvedev reports related to Sergey Magnitsky and Mikhail Khodorkovsky. Meanwhile, the judicial case against the late lawyer Sergei Magnitsky was re-opened 2 years after his death, whereas the circumstances of his death in pre-trial detention remain to be fully investigated. Last but not least, the final verdict in the second trial of Khodorkovsky and Lebedev raised numerous concerns about irregularities and the lack of a fair trial. High Representative Ashton issued a statement in this regard.

The EU continued to have concerns about the human rights situation in the Northern Caucasus, which did not improve in 2011, and there continued to be numerous reports of torture, abductions, arbitrary detentions, and violations of women's rights, including "honour killings" and domestic violence. The impunity for these crimes remained pervasive. In neighbouring republics, in Ingushetia and Dagestan in particular, the situation deteriorated further. The number of attacks linked to racism and ethnic hatred are still a matter of concern. Reportedly, so is the situation of stateless persons in the Russian Federation.

The important positive developments welcomed by the EU included some modernisation efforts, in particular those related to the rule of law (the launching of a number of reforms in the area of the judiciary, prisons and law enforcement) and political pluralism (reducing the Duma entry threshold from seven to five percent, launching amendments with regard to political party registration, and efforts regarding the election law).

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

Since its adoption by the European Council on 21 and 22 June 2007, the "EU Strategy for a New Partnership with Central Asia" has provided the framework for EU relations with Central Asia. The Strategy recognises that human rights, the rule of law, good governance and democratisation underpin the long term political stability and economic development of Central Asia.

The EU raised human rights issues by each Central Asian state through various political contacts and high-level visits, including during the EU-Central Asia ministerial meeting, which took place on 7 April 2011 in Tashkent (Uzbekistan). A number of bilateral démarches were carried out with the countries in the region on issues of human rights concern.



In line with the Strategy, the EU has established structured human rights dialogues with all countries of the region. These have allowed all issues of concern, including individual cases, to be discussed openly. The dialogues are prepared in close consultation with local and international civil society. Civil society input has also been sought through seminars that the EU organised with four of the Central Asian countries<sup>12</sup>. These addressed international standards, European best practice, national laws and their practical application. They provided an opportunity for exchanges of views between European and Central Asia civil society representatives, academics and state officials. They resulted in the development of detailed recommendations on legislative and practical changes needed in order to ensure full compliance with international and national standards, which were then presented to officials. Follow-up to the dialogues and seminars has been provided by contacts between the national authorities and EU Delegations, as well as through the funding of projects, including under the European Instrument for Democracy and Human Rights.

The EU also developed bilateral cooperation programmes and projects of direct relevance to human rights with the Central Asian states at national level. In particular, the EU supported reform of the judicial and prison systems, as well as human rights awareness raising and capacity building. In line with the Strategy, activities under the regional Rule of Law initiative for Central Asia also continued throughout 2011.

Contributing to the implementation of the EU human rights policy is part of the mandate of the EU Special Representative for Central Asia, Pierre Morel, who continued to raise human rights issues during his visits to the region and in his bilateral contacts.

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<sup>12</sup> [http://eeas.europa.eu/human\\_rights/dialogues/civil\\_society](http://eeas.europa.eu/human_rights/dialogues/civil_society)

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

### 5.3.3. *Kazakhstan*

Kazakhstan saw signs of unrest in 2011, as the result of an industrial labour dispute that began in Zhanaozen in May. There were strikes at several oil processing facilities where workers demanded pay raises, better work conditions and the lifting of restrictions on independent trade unions. These turned into violent clashes between the police and striking workers in December 2011. The authorities created a Commission of inquiry to establish the facts behind the violent events. The EU expressed its expectation that the work of the Committee be conducted in a transparent way, with a fair trial for those suspected of perpetrating violence.

The human rights situation more generally remained a concern. The EU continued to call on the Kazakhstan authorities to implement further political reforms, as regards the freedom of assembly, freedom of belief, the role of civil society and NGOs, the situation of political opposition, and freedom of media and expression.

Since spring 2011, a series of bombings and alleged terrorist attacks took place in Kazakhstan, which were reported to be linked to religious extremism. These incidents triggered a new open debate on religious freedom and on a growing trend of religious extremism in Kazakhstan. High-level discussions took place between the EU and Kazakhstan during the Cooperation Council meeting in June 2011. The fourth session of the EU-Kazakhstan human rights dialogue was held in Brussels on 30 November 2011. An EU-Kazakhstan Civil Society Seminar on Human Rights "Building stronger interaction between State and Civil Society as an Engine of Progress" was organised in Almaty on 19-20 October 2011.

#### 5.3.4. *Kyrgyzstan*

Establishment of a coalition Government and peaceful presidential elections in October 2011 constituted a final step in the process of transition from the provisional institutions, installed after the 2010 crisis, to state authorities established through democratic elections. Some shortcomings in the implementation of legislation, as noted by OSCE/ODIHR, underscore the need to improve the electoral process. The EU has been supporting the democratisation process and confirmed its commitment to provide significant assistance to support reforms in the country, in particular in the areas of the rule of law and socio-economic development.

In the course of political dialogue the EU continued to call on the Kyrgyz authorities to implement further political reforms, especially as regards the rule of law and justice.

The EU urged the Kyrgyz authorities to accelerate improvement of the human rights situation of all citizens, particularly to ensure rights to a fair trial and access to justice, and due process rules, and to ease pressure against judges and defence lawyers. The EU expressed deep concern about the Kyrgyz Supreme Court's decision to uphold the life sentence of the human rights defender Mr Askarov and called on it to consider all possible ways to re-examine the case.

Reform of the Criminal Code is an important development: the EU commended the decriminalisation of libel in Kyrgyzstan, which has set a good example for the region. In December 2011, Kyrgyzstan invited the UN Special Rapporteur on Torture to visit the country.

The third session of the EU-Kyrgyzstan human rights dialogue was held in Bishkek on 28 June 2011. Besides issues of mutual interest or concern in international forums, the EU addressed a number of specific concerns about the human rights situation in Kyrgyzstan, in particular regarding judicial reform, including pre-trial detention, torture, the right to a fair trial and access to justice; freedom of association and assembly; the rights of prisoners; children and women; and the national framework for the protection of human rights.

The EU has been providing continuous support for reconstruction, reconciliation and conflict prevention activities which are important for the sustainable growth of the country. In response to the interest expressed by the new Government in engaging with the EU on judicial reform and the fight against corruption, a fully-fledged assistance programme addressing these issues and sharing EU experience is under preparation.

### **5.3.5. *Tajikistan***

The third and fourth round of the EU-Tajikistan human rights dialogue took place on 2 February (for the year 2010) and 25 October 2011 in Dushanbe. The dialogue allowed for an exchange on a wide range of issues of mutual interest or concern, including on national human rights institutions and the rights of women, children and migrants. Differences were noted on electoral law, civil society, freedom of religion and the freedom of the media. There was also discussion of possibilities for concrete cooperation in the field of human rights. In the framework of the fourth round of the dialogue, the EU delegation also visited one of the prisons in Dushanbe.

The EU-Tajikistan civil society seminar on the rights of labour migrants was organised on 26 and 27 July 2011.

Human rights issues were also discussed during the first Cooperation Committee in Dushanbe on 16 March 2011. The main items raised were related to the recommendations of the Office for Democratic Institutions and Human Rights (ODIHR), freedom of expression, freedom of media, and freedom of religion.

#### **5.3.6. *Turkmenistan***

The EU continued to monitor the human rights situation in Turkmenistan closely, and consistently raised its continuing concern with regards to a number of issues in the course of its bilateral dialogue, including during the EU-Turkmenistan human rights dialogue. The fourth round of the dialogue was held in Brussels on 8 July 2011. The EU and Turkmenistan focused in particular on judicial reform, including prison conditions, national institutions for the protection of human rights, civil society development, freedom of association, freedom of expression, freedom of movement, the rights of persons belonging to national minorities, and cooperation in international forums.

#### **5.3.7. *Uzbekistan***

The EU continued to call on the Uzbek authorities to implement further political reforms, especially as regards the freedom of assembly, freedom of belief, the role of civil society and NGOs, freedom of media and child rights. The EU welcomed the release of a number of human rights defenders during 2011, but remained concerned at the overall number of human rights defenders, activists and journalists in detention in Uzbekistan and continued to raise issues, including individual cases, with the Uzbek authorities. It continued to press for wider access for the international community to Uzbekistan's penitentiary institutions.

The 5th round of the EU–Uzbekistan human rights dialogue took place on 24 June 2011 in Tashkent. The EU and Uzbekistan focused in particular on judicial reform, including prison conditions, national institutions for the protection of human rights, civil society development, freedom of association, freedom of expression, freedom of movement and cooperation in international forums. The EU also raised the issue of cooperation with the Special Rapporteur on torture and an invitation to an ILO commission to monitor the progress made on the implementation of ILO conventions 138 and 182 against child labour.

In December 2011, the European Parliament suspended its consent to the incorporation of a textile protocol into the Partnership and Cooperation Agreement, over child labour concerns. It is likely that the European Parliament would expect to see concrete progress on forced labour, including the return of international monitors to the cotton harvest in 2012, in order to reconsider incorporating the protocol. Cooperation intensified over the definition of a € 10 million programme on criminal justice reform, which was launched in early 2012.

The EU, jointly with the Council of Europe, continued to implement the EU-Central Asia Rule of Law Initiative. For Uzbekistan, this included the following activities: the strengthening of the Constitutional Court and Supreme Court and of the ombudsman's office, the training of judges and public administration representatives, and the preparation of legal opinions on draft legislation.

## 5.4. Africa

### 5.4.1. African Union

The AU-EU human rights dialogue, initiated in 2008, continued to provide an important forum for exchanges on efforts to promote human rights and democracy. One meeting took place in 2011, in Dakar, focusing on issues such as AU-EU cooperation on the protection of human rights defenders, human rights in democratic transitions, and the right to development and the implementation of UN Security Council Resolution 1325 on women, peace and security.

The third AU-EU civil society seminar on human rights took place in Brussels on 21 and 22 November 2011. The recommendations related to two main areas: human rights and elections, and the situation regarding the right to housing and forced evictions. The recommendations will be presented as a contribution to the next African-EU Dialogue on Human Rights.

As a manifestation of their joint endeavours, on 12 February 2011, the EU and the AU issued a Joint Declaration on the International Day against the use of Child Soldiers. In this declaration the EU and the AU welcomed the progress made, including by the adoption of Security Council Resolution 1882, and reaffirmed their support for the fight against impunity in relation to the recruitment and use of child soldiers and the need to bring perpetrators of such crimes to justice. They also called upon all states to ratify the Optional Protocol on the Involvement of Children in Armed Conflicts by 2012, following the campaign launched in May 2010 by the Office of the Special Representative of the UN Secretary General for Children and Armed Conflict.

In the framework of the Africa-EU Platform for Dialogue on Governance and Human Rights (launched on 12 November 2010), two working groups met, the first in Brussels in June 2011 to discuss the governance of natural resources in conflict and post-conflict situations, and the second in Tunis in December 2011 to discuss freedom of expression, including freedom of the media, as a vehicle for promoting democratic change. Since its launch in November 2010, the platform has provided an open, inclusive and informal space for dialogue, allowing the formulation of shared governance agendas and recommendations between the two continents. One informal meeting of experts of the Africa-EU Partnership on Democratic Governance and Human Rights also took place in Brussels in September 2011 and allowed for further consultations on how to improve EU support for African governance initiatives such as the African Peer Review Mechanism (APRM) and the African Charter on Democracy, Elections and Governance.

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

#### **5.4.2. *Angola***

Despite constitutional guarantees of fundamental freedoms and a national human rights institution, shortcomings concerning the protection of human rights remain at various levels. Recent problematic issues include alleged violence and abuses committed by security forces against illegal migrants and miners in the diamond-rich Lunda provinces. Excessive use of force by police at small-scale opposition and youth protests was also reported.



The EU Delegation and Member States' representatives visited the Lundas, and had contacts with the authorities and representatives of civil society. In coordination with other international partners they have been monitoring the situation, and drawing the Government's attention to the need to properly investigate allegations and take preventive action through training and control of the security forces. Earlier, EU Ambassadors visited the oil-rich northern province of Cabinda, where sporadic, low-intensity insurgency as well as alleged human rights violations occur.

The EU and its Member States are funding human rights projects and providing assistance to local and international organisations active in this field. With the general scaling-down of donor support to Angola, EU funding is one of the few sources available to local human rights organisations.

Political dialogue under Article 8 of the Cotonou Agreement remained inactive, but there are great expectations of the "Angola-EU Joint Way Forward (JWF)" agreement. It involves a wide-ranging political dialogue including peace and security, human rights and good governance.

#### **5.4.3. *Burundi***

As in previous years, the EU remained concerned about the human rights situation in Burundi during 2011. The year was marked by a high number of extrajudicial killings – as many as 62, according to the UN, and more according to NGOs. While opposition leaders abroad, civil society and the media have largely filled the gap left by opposition political parties, journalists and civil society leaders have become the target of arrests and intimidation.

Political pressure from the International Community did start to bring some results towards the end of the year, when the situation appeared to have become calmer. The EU contributed to intensifying international efforts to restore dialogue between the Government and the opposition parties abroad, with a view to ensuring proper preparation of the 2015 elections.

The EU sought proactively to conduct dialogue with the Government under Article 8 of the Cotonou Treaty, but without success. More fruitful in 2011 was the dialogue with civil society, which continued and became more focused on political governance.

The EU continued to fund projects under the EDF for decentralising justice and in support of local governance, with the aim of tackling difficult issues related to land conflict. The EU also invited proposals under the EIDHR and the Instrument for Stability.

#### **5.4.4. *Cameroon***

EU engagement on human rights and democratisation in Cameroon picked up momentum significantly in 2011, both in terms of political dialogue and advocacy, as well as financial support. The main areas of intervention during the year were as follows.

Human rights defenders: the EU missions in Cameroon have supported the creation of a national network for the protection of human rights defenders (RENAPDDHO). The EUD has provided advice, political support and in-kind assistance, while the French Embassy has provided some financial support. RENAPDDHO intervenes when individual human rights are being threatened and is also finalising a first report on the situation of human rights defenders in Cameroon.

Human rights awareness: the EU provided financial support to the organisation in 2011 of a human rights film festival in Yaounde. Unfortunately the festival was banned at the last minute by the authorities because of the alleged risks to public order, after which EU Heads of Mission expressed regrets at this decision.

Justice and detention conditions: the EU is the main donor in this critical area. EU support has in particular been critical in helping limit the number of people held in pre-trial detention and in helping improve health (including HIV prevention), sanitation and legal advice to inmates. In addition, issues related to the (mis)functioning of the judicial system, in particular in high profile cases, are also raised regularly in the framework of the political dialogue.

Rights of LGBT people: this issue, which is quite sensitive in Cameroon, is being raised regularly in the framework of the political dialogue with the authorities, the ultimate goal being decriminalisation. The EU has also provided financial support to a NGO working to defend the rights of LGBT people, in particular those held in detention or facing legal proceedings. This project has triggered a controversy with the authorities, which accused the EU of interference and of promoting homosexuality and requested the EU to withdraw the subsidy. The EU reacted forcefully to these accusations and refused to reconsider the project.

Other issues were raised regularly throughout 2011 in the framework of ongoing political dialogue, including abolition of the death penalty (there is only a de facto moratorium at present), rights of women (in particular violence against women), child rights (in particular ratification by Cameroon of the two optional Protocols to the UN Convention on the Rights of the Child) and curbs on political rights such as freedom of association and demonstration. Financial support has also been provided to NGOs working with indigenous people (in particular Baka Pygmies).

#### 5.4.5. *Chad*

As noted in the report on the situation of human rights in Chad, commissioned by the OHCHR, "there is no policy of deliberate systematic violation of human rights. But these rights are constantly violated". While Chad has ratified the main international conventions on promotion and protection of human rights, effective application of these conventions is still far from satisfactory. This is due to a lack of financial and technical resources assigned to human rights and justice issues. In parallel, the right to development is seriously hampered by recurrent famines and epidemics that affect in particular the Sahel region of the country.

Challenges in the field of human rights are therefore quite diverse, but the EU and its Member States have identified four major challenges upon which to concentrate their efforts:

- a) Establishment of a reliable and functional system of justice, to put an end to impunity, which is still widespread.
- b) Respect and promote the rights of the most vulnerable, including children, women (especially in rural areas), and the disabled.
- c) Accompany the process of Internal Security Forces Reform, to foster Rule of Law in the country and prevent abuses.
- d) Respect for democratic principles and promote good governance, allowing citizens' participation in public affairs, at national and local level.

The 10<sup>th</sup> European Development Fund made "good governance" one of its two focal sectors (€ 70 million) in order to contribute to the restoration of sound public institutions and practices in the fields of justice, management of public finance and security in the country.

In this context, the EU programme to support Justice in Chad (PRAJUST), which started in 2009, aims to sustainably improve the administration of justice in the country, by contributing to support to both penal and civil processes, as well as professionals (lawyers, judges, prison officers, etc.). PRAJUST also foresees a substantive contribution to the Government's program for the construction and rehabilitation of justice facilities throughout the country.

Security Sector Reform is a key area already supported by the EU with the PAFSI programme – Support Programme for the Reform of Internal Security Forces.

The EU, together with other bilateral and multilateral parties, funded the commission of inquiry charged with shedding light on the events of January-February 2008 and the disappearance of opposition leader Ibni Oumar Mahamat Saleh.

The EU was also politically and financially involved in the organisation of the trial of former President Habré, although this had yet to start as the court was not yet established.

Regarding the issue of elections, the EU provided support to the preparation and organisation of 2010-2011 legislative and presidential elections. An EU electoral observation mission was dispatched, headed by the former Development Commissioner, MEP Louis Michel.

The Governance Support Program in Chad (PAG) which started in late 2011 provided support to key financial administration and management of oil revenues. It continues efforts, in place since 2007, to improve the capacities of the Ministry of Finance and Budget. A component of the Programme aims at accompanying the recent decentralisation process after local elections were run in 2011 in the country's main cities.

The EU remained strongly committed to tackling key issues related to good governance (justice, human rights, security forces, economic transparency and decentralisation), both through its political dialogue, under Article 8 of the Cotonou Agreement, and through the implementation of its programmes and projects.

Through its budget lines, the EU promoted respect of the rights of women, children and displaced persons. This work included combating discriminatory practices against women such as female genital mutilation, forced marriage and early marriage, and gender-based violence.

#### **5.4.6. Côte d'Ivoire**

2011 opened in Côte d'Ivoire with a serious political crisis: the refusal of the outgoing President to accept the results of the presidential elections held in late November 2010, which were won by his opponent Alassane Ouattara. The repression of Gbagbo's illegitimate regime gave rise to many human rights violations, which were denounced in statements by High Representative Ashton and her spokesperson. The EU immediately and firmly supported the will of the citizens of Côte d'Ivoire, expressed through the ballot, by taking restrictive measures against a total of 118 individuals and 13 economic entities (see the various decisions of the European Council up to the beginning of April 2011). Those measures were extremely effective in significantly weakening the Gbagbo regime.

The EU also carried out intense diplomatic activity in contacts with regional institutions such as ECOWAS and the African Union and at the United Nations, encouraging them to take clear positions and to mediate to restore constitutional order. To that end, the EU also provided information and technical and financial support. At the same time, the EU mobilised € 60 million to provide humanitarian assistance to those most affected by the crisis, and provided € 1 million from the European Instrument for Democracy and Human Rights (EIDHR), in part for specific assistance for women who were the victims of sexual violence during the crisis.

Once the crisis had been resolved by the inauguration of the legitimate President Ouattara, development cooperation was able to begin again, allowing a programme to support the judicial system worth € 18 million to be launched, to help the state to define a sectoral reform policy, promote access to justice, reduce judicial corruption and reinforce the professionalism of judges. During 2011, seven courts in the northern regions were renovated and brought back into use, thus improving access to justice in those areas.

By means of specific expert assistance granted to the Ministry of Justice (on the basis of a credit from the Instrument for Stability), the EU supported ongoing judicial procedures, in particular the investigation team of the Ministry charged with investigating the crimes committed during the crisis, and the drawing up of a law on witness and victim protection and a draft law on the implementation of the Rome Statute (ICC).

Support for national reconciliation, directed at transitional justice, mediation in land disputes in the west of the country, and efforts to make the media more professional and responsible, were approved at the end of the year. The EU continued its technical and financial support for the electoral process to end the crisis, providing € 8 million to assist with the organisation of the legislative elections of December 2011, and funding the observation of the election by civil society. Also, in October 2011 the EU stepped up its dialogue with organisations defending human rights, in the context of the drafting of the country's human rights strategy.

#### **5.4.7. *Democratic Republic of the Congo***

In 2011, the EU was much involved in monitoring the electoral process in DRC leading to the legislative and presidential elections. On 24 January, the HR/VP issued a statement following revision of the Constitution and calling for dialogue between all actors involved in the electoral process.

The EU provided financial support to the organization of the presidential and legislative elections and sent an Electoral Observation Mission that was deployed on the ground.

On several occasions, the EU expressed its concerns regarding politically motivated human rights violations, including threats against media freedoms and infringements to freedom of speech and protest.

On 7th September, the EU issued a local statement recalling the responsibilities of all political actors and the Congolese national police in DRC for ensuring free, transparent, democratic and peaceful elections. On 8th November, the EU expressed its concerns regarding the latest developments in the electoral campaign in DRC. Key messages were passed to the national electoral commission (CENI) regarding the importance of ensuring fundamental freedoms. In November and December, the EU issued several statements regarding the quality of the electoral process in DRC.

Furthermore, the EU pursued its commitment in favour of human rights defenders. The EU was represented at all stages of the trial of the suspects supposedly involved in the death of human rights defender Floribert Chebeya. On 29 June, the HR/VP issued a declaration taking note of the verdict of the high military court, stressing the importance of fighting impunity and recalling the EU position against the death penalty. The EU implemented several demarches to protect human rights defenders and updated its local action plan for the implementation of the EU guidelines on human rights defenders. Furthermore, a human rights country strategy was drafted at the local level.

The EU pursued its commitments towards supporting the fight against gender based violence in DRC. Among other financial commitments, a 2.5 million€ programme for supporting victims of sexual violence in the Kivus was announced on 11th July.



The EU kept a close look at legislative developments, especially in the area of security sector reform. Several important projects were implemented in DRC under the European Instrument for Democracy and Human Rights (EIDHR).

In international fora, the EU continued to support the work of the ICC regarding Congolese cases pending. The EU was also active in the UN Human Rights Council to address DRC human rights situation.

#### **5.4.8. Eritrea**

The EU continued to express concern about violations by Eritrea of human rights obligations. In the framework of the political dialogue, the EU appealed to the Government of Eritrea to unconditionally release all political prisoners. In September 2011 the High Representative Catherine Ashton issued a declaration on behalf of the European Union on political prisoners in Eritrea on the 10th anniversary of their detention. The EU urged the Government of the State of Eritrea to release, unconditionally, the G11 prisoners, who are a group of eleven senior government officials arbitrarily detained and denied their rights since 2001 after openly criticising President Isaias Afwerki.

Equally, concern has been raised about the fate of detained journalists and prisoners of conscience incarcerated for their political and religious beliefs. Among others, the EU called on the Eritrean authorities to release Dawit Isaak, a journalist of dual Eritrean-Swedish nationality held incommunicado in detention since 2001, as well as all other imprisoned journalists. The EU repeated requests to provide information and to grant access to them. The fate of detained persons was raised personally by the Managing Director for Africa Nicholas Westcott during his meeting with President Isaias.

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

The EU also voiced concerns about the plight of Eritrean refugees in the Horn of Africa. These were raised with both the Eritrean Government and other governments where cases of human trafficking and abuses were reported.

The EU continued to support activities aiming at the promotion of human rights, in particular those relating to access to information on human rights and regarding women's and children rights.

#### **5.4.9. *Ethiopia***

A whole chapter of Ethiopia's new development plan for the coming five years, the Growth and Transformation Plan, is dedicated to capacity building in the public administration and to good governance (including anti-corruption measures). This seems to indicate the Government's commitment to achieving an effective civil service and strengthening good governance in democratic and political terms, as the backbone of the national development strategy.

However, the EU remains concerned about the situation of human rights defenders and the application of the law regulating civil society activities. New directives issued in 2011 to develop certain aspects of the civil society law are likely to pose further challenges for civil society organisations. Nevertheless a tripartite dialogue between the Government of Ethiopia, donors and civil society has been established. The EU is confident that the dialogue will allow progress towards improvement of those regulations. The EU also continued the successful implementation of projects under the Civil Society Fund, including in areas related to human rights and governance.

In 2011, Ethiopia saw the first arrests and subsequently trials under the new Anti-Terrorism Proclamation (ATP) enacted in 2009. Two Ethiopian journalists were arrested in June, followed by several other journalists and opposition members.

The EU has been monitoring the trials and by the end of 2011, two Swedish journalists had been sentenced to 11 years of imprisonment each, whilst three additional trials of a total of 36 people were still ongoing and being monitored by the EU.

There has been some criticism of the arrests and the implementation of the ATP, mainly from Amnesty, Human Rights Watch and Reporters Without Borders. The UN has urged Ethiopia to review the broad definition of terrorism under the ATP and has voiced concerns over the potentially harmful effects it could have on the media in the country, as well as other democratic rights. The EU is engaging on the ATP in the context of the dialogue it is undertaking with Ethiopia.

Donors, including the EU, carried out a fact-finding mission in 2011 to assess the 'villagisation' programme being implemented by the Ethiopian Government to improve access to basic services for the rural population. Despite the allegations made by human rights organisations, the mission did not find evidence of forced relocation or other human rights violations. Donors are not supporting the programme but are concerned about the effects of hasty implementation, that sometimes lead to a lack of basic services and even shortage of food. In 2011 the EU launched a dialogue with the Government of Ethiopia on the matter.

Ethiopia began to draw up a national human rights action plan that will be finalised in 2012, incorporating recommendations from the Universal Periodic Review and from UN Treaty Bodies.

#### 5.4.10. *Gambia*

The Gambia maintained political and macroeconomic stability, while the human rights situation, especially freedom of expression, continued to present challenges. This pattern was confirmed in the November Presidential elections, won by the incumbent Jammeh. The EU deployed an Expert Electoral Mission, whose assessment will form the basis of further political dialogue.

The EU and The Gambia entertain a structured political dialogue as provided for in Article 8 of the Cotonou Agreement, with mutually agreed priorities, shared agendas and commitments on both sides. Meetings take place twice a year. Governance/human rights are core elements, which are always on the agenda. However, action and progress in this area has been slower than in other areas discussed.

The EU continued to support civil society, working in particular on governance, human rights and women's rights.

#### 5.4.11. *Guinea*

In general, the situation regarding human rights and democracy in Guinea continued to improve in 2011. The security situation in Conakry and in the interior of the country, marked by acts of violence by the police, became more stable. There was some progress in combating impunity, particularly on the case of the victims of 28 September 2009 (when a peaceful demonstration was brutally repressed by the security forces). However, several acts of violence committed by the police in 2011 remain unpunished, and two of the most senior personnel presumed to have been responsible for the violence on 28 September 2009 remain in high public office, which is not helping the investigations to make progress. The EU is maintaining its sanctions against five people (with an asset freeze and a visa ban) because of their presumed responsibility for that violence.

Justice remains weak, and detention conditions are poor and lacking respect for human rights, but the first steps have been taken towards reform of the justice and prison system. The EU has already provided some support for justice, by means of technical assistance to the Ministry and support for victims and civil society in fighting impunity for the crimes committed during the massacre on 28 September 2009. Reform of the security forces has also begun, with the demilitarisation of Conakry and the retirement of around 4000 armed forces personnel who had served for at least 35 years (or 15 % of the security forces). The political situation is more stable and, responding to the return to constitutional order by the inauguration of a democratically elected President and a civilian government, the EU has made the conditions for resuming cooperation under the 10th EDF more flexible, and has partially lifted the arms embargo. Nevertheless, the holding of free and transparent legislative elections remains the final condition which will make possible the complete normalisation of relations with the EU.

#### **5.4.12. *Guinea-Bissau***

The human rights situation in Guinea-Bissau in 2011 remained worrisome, particularly in the areas of economic and social rights, due to unresolved questions of poverty and illiteracy and inadequate access to basic social services. These issues, as well as widespread domestic violence, also had an adverse impact in the spheres of women's and children's rights.

In June 2011, the National Assembly passed two bills, respectively to fight against human trafficking and to ban female genital mutilation. In December 2011, Guinea-Bissau ratified the African Charter on Democracy, Elections and Governance.

Under the European Initiative for Democracy and Human Rights (EIDHR), in April 2011 the European Union launched for the first time a call for proposals targeting the reinforcement of the protection of children, women and prisoners rights. Four projects were selected for funding, for a total amount of € 1 140 000.

Recurring episodes of politically motivated violence and intimidation closely linked to the role played by the military in internal politics threatened the stability of the country. In December 2011, the repression of an alleged attempted coup resulted in the unlawful killing of a suspect who was surrendering, as well as in a number of arbitrary arrests and detentions. Impunity and corruption continued to be major challenges, which were insufficiently tackled.

The fight against impunity and respect for the rule of law were at the heart of the political dialogue between the European Union and Guinea-Bissau in the framework of the consultations opened pursuant to Article 96 of the Cotonou Agreement. The representatives of the Guinea-Bissau Government presented satisfactory proposals and undertakings to implement key reforms aiming at stabilising the country in a democratic framework. The consultations were closed by Council Decision 2011/492 and appropriate measures adopted for the performance of these commitments. By the end of 2011, while a certain progress in the implementation of some commitments must be noted, none of the key commitments had been fully implemented.

#### **5.4.13. Kenya**

The EU continued to observe the human rights situation in Kenya closely throughout 2011.

Supporting the implementation of the new Constitution was among the main priorities for the EU in Kenya in 2011, not least with a view to the protection and promotion of human rights.

Impunity remained a main concern. The EU regularly raised this issue with the Government of Kenya and in public. Throughout 2011 it also maintained political pressure on the Government to take action against extra-judicial killings and torture by the security forces, as well as corruption within the public sector.

As a staunch supporter of the International Criminal Court (ICC), the EU continued to appeal to the Government of Kenya as well as to the six individuals summoned by the ICC for crimes committed during the 2007/2008 post-election violence to fully cooperate with the Court. Equally, the EU encouraged the establishment of a local mechanism to bring others implicated in the post-election violence to justice.

A continuous and regular dialogue with civil society organisations was maintained, including through regular meetings at Head of Missions level.

As a result of EU public (media) statements on human rights issues, ie the ICC, the fight against impunity, extra-judicial killings, and International Human Rights Day, the EU has achieved good visibility in the country as a human rights actor.

#### 5.4.14. *Liberia*

Although there is no evidence of systematic abuse or denial of human rights in Liberia by state actors, the challenges related to the promotion and protection of human rights are considerable: prisons conditions are harsh, including overcrowding, and detainees are subject to long pre-trial detentions and denials of due process. Sexual and gender based violence, including rape, as well as female genital mutilation (FGM) and violation of children's rights, including child abuse, are prevalent in the country.

Liberia formally maintains the death penalty for certain crimes, but a voluntary moratorium on the execution of the carrying out of the death penalty is in place.

As part of the activities of promoting human rights, the EU adopted an "EU local human rights strategy" and has engaged locally with the government and relevant institutions (including the National Commission on Human Rights). A local call for proposals under the European Instrument for Democracy and Human Rights was launched in November (total budget 600.000 euro).

In 2011 Liberia held presidential and legislative elections, the second democratic elections since the end of the civil war. However, the run-off elections were tarnished by an opposition boycott and street clashes between protesters and the police. The EU provides financial support to the electoral cycle (€ 7 million) and deployed an Electoral Experts' Mission.



#### 5.4.15. *Madagascar*

2011 saw a major development in the Malagasy crisis. Thanks to sustained efforts by the Southern African Development Community (SADC) Mediation Troika, a "Roadmap for Ending the Crisis in Madagascar" was signed on 16 September 2011 by the main political stakeholders. This document sets out the commitments entered into by the signatories with a view to a neutral, inclusive and consensus-based transition process leading to the holding of credible, free and transparent elections and the return to constitutional order in Madagascar.

The EU, the SADC, the African Union and the international community welcomed that event and, since then, have noted the progress made in its implementation (the appointment of a consensual Prime Minister, the formation of a Government of National Union, the establishment of the Transition Parliament and the establishment of the national Electoral Commission (CENIT)).

Such developments triggered a further EU decision on 5 December under Article 96 of the Cotonou Agreement, extending the decision in force since 2010 but adopting a positive approach allowing for EU support for the transitional process and the gradual resumption of EU cooperation in development aid, depending on real progress on the implementation of the roadmap for transition.

However, the implementation of the Roadmap for transition remains very fragile.

#### 5.4.16. *Malawi*

The human rights situation in Malawi deteriorated further in 2011. The adoption in January 2011 of the amendments to the penal code, which expand media control by the Government, puts the freedom of speech and press freedom at risk. The Government has come under pressure from activists because of poor economic and political governance. Demonstrations took place in July 2011, when arms were used against protestors leaving twenty people dead. High Representative Ashton issued a statement condemning the use of force by the Malawian authorities and their prevention of citizens from exercising their constitutional right to demonstrate. On 14 October 2011 Managing Director of the EEAS Africa Department, Nicholas Westcott met the Foreign Minister of Malawi, P. Mutharika and reiterated the EU's concerns on the evolution of the governance situation in Malawi.

Under the 10th EDF, the EU allocated € 30 million for a Governance Programme to improve democratic governance by ensuring access to quality justice for all in Malawi, through a more effective and responsive judiciary, increased restorative and victim-friendly approaches in both the formal and informal systems, improved democratic accountability and oversight, and ensuring that all Malawians know and understand, and are able to claim, their rights and the services to which they are entitled.

#### 5.4.17. *Mauritania*

In Mauritania, the inclusive political dialogue between the presidential majority and parts of the opposition has led to an agreement on a package of substantial constitutional reforms. Significant progress has been made in the area of media liberty, putting Mauritania among the top countries in the region as far as this area is concerned. However, remnants of slavery continue to exist and its denouncements by human rights organisations cause regular confrontations with the authorities. Arbitrary detention cases are regularly reported. The main structural problem in Mauritania is the weakness of the justice system. Civil society in Mauritania remains weak and suffers from lack of coordination.

EU Human rights strategy for Mauritania is currently under evaluation. The EU Delegation in coordination with the Member States regularly brings together human rights defenders, and makes occasional political démarches to the Government to denounce violations of human rights. At operational level, two new gender and EIDHR thematic projects were launched in Mauritania in 2011, to support NGOs in gender issues and in the fight against slavery and its after-effects. These projects, along with the five already existing in this field, are worth € 1.3 million. The EU also provides structural support to civil society, through a specific programme under the 10th EDF.

#### **5.4.18. Niger**

The EU supported the democratic transition in Niger in 2010 and 2011, in particular through support for the electoral process. This was reflected in the release of € 18.5 million (more than 60 % of the external support), which made it possible to increase the confidence of political actors and public opinion in the election, by providing for the preparation and holding of the constitutional referendum (October 2010) and the various polls (local, legislative and presidential) in the first quarter of 2011.

Moreover, an election observation mission was put in place in Niger for the legislative elections on 31 January 2011 and for the two rounds of the presidential election on 31 January and 12 March 2011. Santiago Fisas Ayxela, Member of the European Parliament, was the Chief Observer. The mission consisted of 40 observers from 15 EU Member States, Switzerland and Canada. The mission began its activities on 4 January 2011 and remained until the official proclamation of the results of the second round of the presidential election on 1 April 2012. The observers were deployed throughout the country, except in the Agadez region for security reasons.

#### **5.4.19. Nigeria**

Nigeria held presidential, legislative and State House/Governor elections in April 2011. An EU Election Observation Mission (EOM), led by MEP Peterle, was deployed in the country. The EU concluded that these elections represented a significant improvement on previous years and could be considered as the most credible elections since Nigeria's return to democracy in 2009. A number of irregularities and deficiencies were nevertheless observed and reported. The recommendations made by the EU EOM inspired the Nigerian Independent National Electoral Committee (INEC) in the drafting of its own conclusions. The elections were followed by an outbreak of violence, which the EU condemned in a local statement.

Human rights continued to be a priority in the framework of the EU-Nigeria Joint Way Forward. In March 2011, the Human Rights Commission Act was adopted. The new Chair of the Human Rights Commission, a human rights activist, was appointed in December 2011. In June 2011, the Freedom of Information Act was adopted.

The EU continued to monitor the human rights situation, including in the framework of the local EU Working Group on Human Rights. A report by Heads of Mission on the freedom of religion or belief was prepared in July 2011. Several meetings took place with civil society representatives to discuss the same-sex marriage bill.

Meetings were held with the Chair of the Justice Committee of the House of Representatives and with the Chair of the Human Rights Committee of the Senate, to discuss the human rights situation in the country. A session of the local human rights dialogue, initially scheduled for December 2011, was ultimately postponed and took place in February 2012.

Eight projects supported by the European Instrument for Democracy and Human Rights Country-Based Support Strategy programme (CBSS) were being implemented in 2011. A new EIDHR CBSS call for proposals was launched in December 2011.

Statements were made by the EU to denounce inter-communal violence and terrorist attacks, including the attack against the UN Headquarters in August 2011 and the attacks on churches during the Christmas period.

#### 5.4.20. *Rwanda*

The EU direct support to the government is complemented with support to civil society. In 2011, the dialogue with the civil society continued and became more focussed on political governance.

Regular EU-Rwanda meetings were held over the electoral process (presidential, local and senatorial elections) and the Universal Periodic Review (UPR), the latter being a tool for policy and political dialogue.

Also, preparatory works for the definition of a € 2 million call for proposals to the NSAs under the 10 EDF financing Agreement 'Voice an Accountability' were carried out in close collaboration between the EU Delegation, the NAO and representatives of the civil society.

The specific objective of this call is the promotion of advocacy and monitoring activities in the justice and human rights sectors, in line with the justice sector working group recommendations and Rwanda's voluntary commitments in the context of the UPR.

Overall, financial support to civil society in Rwanda has steadily increased in 2011 with new contracts signed under two specific programmes: the "European Instrument for Democracy and Human Rights" (EIDHR) and the "Non-State Actors and Local Authorities in Development" (NSAs/LAs) programme. Between second half of 2010 and 2011, a total of 13 new contracts were signed worth about € 6 million. These projects aim at observing elections and providing civic education to ensure a more transparent electoral process; supporting a think tank to conduct studies over the ethnicity and social cohesion; strengthening the national campaign against corruption; providing support to the victims of violence in the cross border regions; monitoring and advocacy over the newly adopted land reform; and strengthening decentralisation and local governance processes.

At the end of 2011, the EU had a portfolio with Rwanda of about 60 on-going projects funded by the different thematic programmes in support to the civil society.

#### **5.4.21. Senegal**

Senegal is a democratic and stable country with a positive human rights record overall. This was confirmed in 2011.

However, following the 23 June demonstrations, in the run-up to the presidential elections (26 February 2012), administrative and police harassment of the opposition and civil society was noted. In addition, the distribution of the 14th annual report of the Observatory for the Protection of Human Rights Defenders, published by the International Federation of Human Rights (FIDH), was retained by customs authorities without a proper explanation.

The long-standing, low-intensity conflict in Casamance is another issue of concern. Sporadic clashes continued in 2011, with a high number of casualties (over 60 fatalities), including civilians, mainly as a result of banditry, including the alleged execution of a group of 10 woodcutters in late November. Full details of this were never shared by the authorities. Negotiation efforts have failed to bring about a sustainable resolution of the conflict to date.

The EU and Senegal entertain a structured political dialogue as provided for in Article 8 of the Cotonou Agreement, with mutually agreed priorities, shared agendas and commitments on both sides. Meetings take place twice a year. Human rights are constantly addressed, including the abovementioned issues.

The EU continued to support the démarches by the international community to convince Senegal either to try Hissène Habré, the former president of Chad (currently living in Senegal) who has been accused of crimes against humanity, or to extradite him. Belgium has introduced a request for extradition, with EU support. This issue is also constantly on the agenda of the abovementioned Article 8 dialogue meetings.



#### 5.4.22. *Somalia*

In 2011, the conflict in South-Central Somalia continued, with a heavy price paid by civilians, especially in the areas controlled by Al Shabaab (a radical Islamist insurgency). The EU contributed to the establishment of security through its CSDP mission that trains members of the Somali National Security Forces (NSF) in Uganda (the EUTM), and through its significant support for the African Union Mission in Somalia (AMISOM) through the African Peace Facility (APF). Al Shabaab withdrew from the capital, Mogadishu, under NSF and AMISOM pressure in August 2011. They largely secured the capital, allowing a more conducive atmosphere for the respect and promotion of human rights and the implementation of the Kampala Accord of May 2011. Furthermore, the EUTM included modules on human rights and gender, leading to greater respect for rights by the forces.

Under the European Instrument for Human Rights and Democracy, the EU carried out a variety of projects supporting an independent media, supporting the Human Rights Commission of the region of Somaliland, building the capacities of elders and religious leaders in conflict prevention across the country, developing domestic electoral observation capacities, and enabling dialogue between civil society and the Somali authorities.

With regard to the rule of law and the fight against impunity, police and judges were trained throughout Somalia. With the EU's support, three female prosecutors (of a total of nine) and female police officers were appointed in the region of Somaliland.

Under the democratisation agenda, the EU supported the draft Federal Constitution, under which human rights and gender audits were conducted. In the regions of Somaliland and Puntland, the EU assisted the opening up of the political space, as well as the appointment and capacity-building of their Electoral Commissions.

#### 5.4.23. *South Africa*

On 15 September 2011, the Fourth South Africa-EU Summit was held in the Kruger National Park, South Africa, reaffirming both parties' commitment to strategic partnership based on shared values, including human rights, democracy and the rule of law, and reaffirming their determination to cooperate in international forums with regard to human rights.

In February 2011, the EU and South Africa held their fourth informal dialogue on human rights, building on the dialogues held since December 2009. Discussions encompassed cooperation in multilateral forums, and continental and domestic issues. The EU and South Africa agreed to formalise their dialogue in 2012.

South Africa-EU development cooperation continued to support human rights through various programmes including the Access to Justice and Promotion of Constitutional Rights programme as well as civil society support through the European Instrument for Democracy and Human Rights.

Throughout the year, the EU continued to monitor developments and engage South Africa in the field of human rights, inter alia regarding the process of registration and deportation of Zimbabwean immigrants, the ongoing debate on the adoption of a Protection of State Information Bill, and the situation of LGBT persons in the country.

On the multilateral front, the year 2011 was marked in particular by the adoption of the landmark resolution sponsored by South Africa on "Human rights, sexual orientation and gender identity", which was adopted by the United Nations Human Rights Council on 17 June 2011. The resolution is the first to call for an end to discrimination on grounds of sexuality worldwide, and to recognise it as a "priority" for the UN; it was strongly supported and welcomed by the EU.

#### 5.4.24. *Sudan*

The credibility and subsequent acceptance of the outcome of the January 2011 referendum by Khartoum was the overall political priority of the EU for 2011. Great attention was also given to the period leading up to South Sudan's independence on 9 July 2011 and thereafter.

Both milestones passed peacefully but there was a considerable deterioration of the situation during the months following South Sudan's independence, which saw the outbreak of fighting between the Sudan Armed Forces (SAF) and the SPLA-North in Southern Kordofan and Blue Nile, as well as the continued dispute about Abyei. The ongoing conflict has caused a serious humanitarian situation and serious human rights violations took place in the areas of conflict which also included Darfur, despite the signature of the Darfur Peace Agreement in Doha in July 2011.

During the reporting period, the overall situation of human rights in Sudan did not improve. Arbitrary arrests and the targeting of individuals because of their ethnic affiliation continued in many parts of the country. Political opponents, youth groups, human rights activists and journalists remained at high risk of harassment, arbitrary arrest and ill-treatment by the National Security Service (NSS) due to their political affiliation, and there was a complete lack of accountability. State censorship and control over the media, in particular newspapers, remained high.

The future status of South Sudanese citizens living in north Sudan was also of concern in the absence of an agreement between the North and South. The constitutional review process presents another challenge with the announcement by President Bashir that it will be based on Sharia law.

The cessation of UNMIS' mandate following South Sudan's independence has left a vacuum in terms of human rights monitoring. For Darfur, however, UNAMID is still able to fulfil this function through its human rights division. Coordination of the international community in the human rights area has also been affected by UNMIS' departure. There are plans to revive the "International Partnership Forum", a coordination forum for human rights previously chaired by UNMIS and the EU Delegation in Khartoum.

In terms of establishing a meaningful human rights dialogue with the Sudanese authorities, the establishment of the National Human Rights Commission needs to be mentioned. The selection and independence of its members, however, casts some doubt about whether it can play a constructive role in promoting and protecting human rights standards in Sudan.

A three year EU Human Rights Strategy for Sudan has been designed, including eight priority areas. For further information in this regard, including a detailed analysis of the human rights situation in Sudan, please see the full document disseminated on 13 December 2011.

In May 2011, Sudan participated in the Universal Periodic Review (UPR) process.

#### **5.4.25. *South Sudan***

South Sudan became independent in July 2011 following an overwhelming vote for separation in the January 2011 referendum on self-determination.

Still suffering from the aftermath of decades of war and underdevelopment, South Sudanese state structures are nascent and capacities extremely limited. Human rights abuses by security forces are frequent though not systemic. Violations range from unlawful detention to the use of unjustified violence in civil disarmament campaigns.

The law enforcement and justice systems in South Sudan are weak due to the shortage of qualified staff and the reliance on customary law, resulting in impunity for crimes and serious human rights violations in the administration of justice. These violations include arbitrary arrests and detentions, lack of legal assistance and aid, prolonged periods of pre-trial detention, and poor conditions of detention.

During the reporting period, inter-ethnic violent conflicts between rural communities about cattle and resources continued to cause widespread loss of life. In the same context abductions of women and children were common. Security forces often were not able to protect civilians, also due to lack of training and equipment. Members of the Sudan People Liberation Army (SPLA) committed violations against civilians, including unlawful killings, beatings, and looting.

Fighting between the SPLA and armed opposition groups also killed hundreds of civilians, led to the displacement of thousands of people, and the destruction of homes and other civilian properties.

The EU is supporting the Government's efforts to improve the human rights situation with technical assistance, notably for the judiciary as well as through the Human Rights Commission. Support from the EIDHR includes projects on women's rights, people with disabilities and the promotion of pluralism.

The EU has also established a political dialogue with the Government on human rights issues. The EU also supports the government's steps to access and ratify Human Rights-related treaties and conventions. On a positive note, it is recognized that the Government of South Sudan is willing to work with the UN Human Rights Council to address the human rights situation in the country.

#### 5.4.26. *Togo*

In 2011, Togo passed its Universal Periodic Review and adopted a large number of recommendations, a process that has been actively observed by the EU. The Truth, Justice and Reconciliation Commission (CVJR), established in 2009 to investigate political crimes committed between 1958 and 2005, continued its work with substantial financial support from the EU. Over 20 000 statements were made and hearings have been organised throughout the country. In addition, EU support was provided to a platform of civil society organisations active in this domain to encourage the increased engagement of civil society and citizens in the national reconciliation process.

Human rights defenders continue to single out impunity and a lack of independence of the justice system as major problems, together with allegations of unlawful detention and cases of torture. The National Human Rights Commission was charged with the task of investigating the latter.

The latter institution, together with the Ministry of Human Rights, the human rights commission of the national assembly and the High Authority for Audiovisual Media and Communication, received EU support to strengthen their capacity. Also, the EU continued to provide very substantial financial support to the National Programme for Modernisation of the Justice System including training, legislative reforms and infrastructure.

People in detention, women and children are among the most vulnerable categories of the population. The EU supported civil society to promote respect for human rights, especially for these vulnerable groups. Amongst others, an EU-funded project supporting detainees in claiming their rights and improving their social reinsertion proved very successful. Furthermore, five projects with a focus on local development and citizen's participation have received funding under the "Non-state actors and local authorities in development" (NSA/LA) thematic programme.

Through an EU-funded project to support the electoral process, new activities have been developed with the aim of promoting civic education, providing training to political parties and civil society on democracy and elections, promoting the participation of women in the public and political sphere and strengthening the capacities of the Independent National Electoral Commission.

In February 2011, the EU signed a € 6 million financing agreement for a project to strengthen the capacity of civil society and support their actions, particularly in the field of reconciliation and human rights. To complement these actions, the EU continued to raise its concerns on human rights issues in its political dialogue sessions.

#### **5.4.27. *Uganda***

The politically defining event in Uganda in 2011 was the parliamentary and presidential elections held in February. The High Representative in her statement on the elections welcomed its peaceful conduct. The EU had sent an Election Observation Mission and the Chief Observer delivered his report in May. Building on this report the EU has been discussing with the Government how to take forward some of the main recommendations notably on the composition of the Electoral Commission, campaign financing and voter registration. President Museveni has on several occasions agreed to look into possibilities for reforming the Electoral Commission as well as making other reforms. Written material on different models for election commissions has been provided to the Government.

After the elections, the EU continued its efforts to keep political space as open as possible. When the so-called 'walk-to-work protests' were met with excessive use of force by Ugandan security forces, the EU released a local statement on the right to peaceful demonstration asking all parties in Uganda to deal with political conflicts through peaceful means.

To prevent further curtailing of political freedoms through future legislation, the EU brought key legislative proposals on the agenda of the political dialogue. The EU reminded the Government of the fundamental principle of the presumption of innocence when amendments to limit the Constitution's articles on the right to bail were considered. Recalling the rights to freedom of speech and assembly, the EU criticised the draft Public Order Management Bill which included provisions giving sweeping powers to the police to prohibit public meetings. This draft bill has been much debated and is likely to be adopted in an amended version in 2012.

The EU also raised the issue of the abolishment of the death penalty. Arguing that the death penalty still enjoys broad popular support, the Government holds on it, albeit it is rarely applied and has not been executed since 2003 (field court martial).

The EU reminded the Government about the need for the domestication of the UN Convention against Torture. A private members' bill on torture, which is supported by the Government, is currently in Parliament and is expected to be adopted in 2012. Ratification of the Optional Protocol to the Convention against Torture is yet to be materialised.

The EU continued to observe closely the situation of LGBT people in Uganda who face discrimination, persecution and open threats. The EU raised its concerns about human rights of LGBT people at every available opportunity in its dialogue with the Government, including with the President. In addition, the EU supported local human rights organisations providing protection and attempting to change attitudes in the country. The draconian draft Anti-Homosexuality Bill was shelved in 2011 under the last Parliament (but was subsequently re-introduced in 2012).



EU has been a driving force amongst development partners in Uganda with respect to support to Human Rights Defenders (HRDs) and in February 2011 the Local Implementation Strategy on HRDs was adopted.

Finally, on a technical level, the EU participates in a multi-donor pool fund (six EU Member States, Norway and the EU Delegation) with the aim to improve democratic governance in Uganda with specific focus on deepened democracy, access to justice and increased accountability.

#### **5.4.28. Zimbabwe**

In February 2011, the EU decided to remove 35 people from the visa ban and asset freeze list and to extend the validity of the remaining measures currently applying to Zimbabwe consisting of (i) a visa ban and asset freeze relating to a list of named individuals and businesses; (ii) an arms embargo and (iii) other measures, taken within the context of Article 96 of the Cotonou Agreement.

These are carefully targeted measures, and their impact is primarily on the targeted persons, not on the economy. In fact, since the establishment of the Government of National Unity, the EU and its Member States have provided close to USD 1 billion in development assistance to address the needs of the Zimbabwean people, including the provision of services such as health care and education.

When adopting these measures, the EU took note of the significant progress made in addressing the economic crisis and in improving the delivery of basic social services. However, the EU considered that economic and social developments had not been matched by equivalent progress on the political front. The EU noted that further reforms were necessary with regard to respect for the rule of law, human rights and democracy, which are essential in order to create an environment conducive to the holding of credible elections. In this context, the High Representative expressed her deep concern at the upsurge in political violence seen at the beginning of the year. The EU also made clear its preparedness to adapt its measures in response to any further reform.

The establishment of the Government of National Unity (GNU) provided a new impetus to enhance EU-Zimbabwe relations. Political dialogue has since been re-launched with the shared objective of a progressive normalisation of relations. Since 2009 a series of high-level events have taken place: June 2009 (EU-Zimbabwe troika meeting in Brussels headed by Prime Minister Tsvangirai); September 2009 (EU troika visit to Harare); and July 2010 (Ministerial meeting in Brussels where the inclusive Zimbabwean Ministerial Team for Re-engagement met with High Representative Ashton and Commissioner Piebalgs).

Since the inception of the GNU, the EU has continued to monitor the human rights situation in Zimbabwe closely. In 2011, in close coordination with its Member States, the EU drew up an EU Human Rights Strategy defining priorities in terms of support and engagement with both civil society organisations and institutions, in the context of the pre-election period.

The EU finances a wide range of activities in Zimbabwe to create and sustain an open political environment, where human rights and the rule of law are respected, and to move the country to credible elections. The EU has finalised a Short Term Strategy to continue supporting reforms contained in the Global Political Agreement, in particular the constitutional, electoral and reconciliation processes as well as the reform of the judiciary. Civil society is a strong focus of this strategy with EUR 30 million provided by the European Commission alone to support their activities since 2009.

## 5.5. The Middle East and the Arabian Peninsula

The unrest in the Arab world also affected the Gulf countries, albeit in a more limited manner. The Gulf regimes took action to contain and curtail revolution, notably by disbursing major "financial packages" and addressing social needs while leaving aside political concerns and, at times, establishing further constraints on already very limited civil liberties. Throughout the unrest, the EU insisted on the need for home-grown reforms and national dialogue, flagging at the same time its willingness to support these reforms if and when requested.

The EU and the Gulf Cooperation Council (GCC) had the opportunity, in the framework of the 21st EU-GCC Joint Council and Ministerial Meeting held in Abu Dhabi on 20 April 2011, to exchange views on human rights issues and to agree to identify possible ways to forge cooperation in this area.

The EU continued to pay particular attention to the developments affecting civil society in the United Arab Emirates, in particular the trials of several of human rights defenders. A local human rights strategy was developed by the EU in the UAE, as in Qatar and in Kuwait, allowing the EU to set priorities, to identify issues of concern and to define areas of cooperation in the field of human rights.

In Oman, the EU was alerted with the closure of the Al-Zaman newspaper, and took up the issue with the authorities, so as to ensure that freedom of the media would not be further curtailed.

### 5.5.1. *Saudi Arabia*

The EU continued to address human rights in its relations with Saudi Arabia, particularly with regard to the death penalty, the situation of women, and freedom of the press. Specific statements were published on women's rights, for example on political participation and equal treatment (the female drivers' protest). In September 2011, the EU welcomed the fact that Saudi women would be eligible from 2012 to take part in the Shura Consultative Council and would be able to vote and run for office in the 2015 municipal elections.

On capital punishment, an increase in executions was seen in 2011. Of particular concern was that most of the executions were not carried out in accordance with international minimum standards: executions for alleged drugs-related offences and sorcery were seen. The EU carried out démarches with relevant authorities on the issue and reiterated its request for at least a de facto moratorium.

The EU has also identified other areas where progress is awaited. Special attention is given to the freedom of expression. The EU has approached the Saudi authorities on cases of individuals who were facing trials for having expressed their views on the internet. Other areas of concern include the rights of child, freedom of assembly and association as well as freedom of religion and belief. Of particular interest is also the situation of migrant workers in the country.

The EU regularly conveys clear messages to Saudi Arabia on the necessity to give adequate protection to fundamental freedoms, including in application of international conventions. These messages take place both bilaterally as well as in the context of EU-Gulf Cooperation meetings.

### 5.5.2. *Bahrain*

On Bahrain, from the moment that protesters began gathering, in February 2011, the EU called upon all parties in Bahrain to refrain from violence and engage in dialogue to discuss their differences peacefully and constructively. A first public statement was issued in mid-February. After the Gulf Cooperation Council deployed forces on 15 March and the violent crackdown on protestors, a senior envoy was rapidly dispatched by High Representative Ashton to Manama, to hold talks with a wide range of interlocutors. The High Representative also conveyed the EU's messages directly to the Bahraini Foreign Minister, the King's personal envoy, and to King Hamad in person.

A steady stream of statements throughout the year, and diplomatic contacts with the Bahraini authorities drew public attention to the human rights situation, the necessity of holding perpetrators from all sides of the society accountable, and the need to set a date for a visit by the office of the UN High Commissioner for Human Rights and to promote real reconciliation across Bahraini society. The High Representative added the situation in Bahrain to the agendas of several EU Foreign Ministers' meetings which resulted in conclusions calling for respect and protection of human rights. At their meeting in June 2011, the EU Heads of State and Government expressed their concern about the process surrounding the trials and sentencing of opposition members in Bahrain and encouraged Bahrain to ensure full respect for human rights and fundamental freedoms.

This pressure, applied by the EU alongside the international community and by many civil society organisations, yielded some results: the Independent Commission of Inquiry was established in June to investigate the human rights violations, and trials and verdicts under the Courts of National Safety were reconsidered. The EU further took positive note of the report of the Independent Commission of Inquiry (BICI), and reiterated that the EU stands ready to assist Bahrain in its effort to implement its recommendations.

### 5.5.3. *Iran*

The deterioration of the human rights situation in the Islamic Republic of Iran continued to be a matter of great concern for the European Union in 2011. The EU raised its concerns with the Iranian authorities through every available channel, but regrettably the situation did not improve. Numerous statements were issued by the European Union, at all levels, in Brussels, Tehran and in international organisations to call on Iran to live up to its international obligations.

The EU deplored in particular the fact that in 2011 thousands of Iranian citizens were the victims of State-sponsored repression, including opposition leaders, human rights defenders, lawyers, bloggers, journalists, women activists, and artists, as well as many persons belonging to minorities including religious minorities, notably the Baha'i and Christian minorities. Countless individuals faced harassment and arrests for exercising their legitimate rights or defending those of others. Persons belonging to ethnic minorities, including Azeris, Baluchis and Arabs, are regularly victims of repression and figure prominently among those sentenced to death. Harsh prison sentences were given to activists. Corporal punishment was used. Detainees reported widespread cases of torture and ill-treatment. Control over outside sources of information such as the internet, international radio and television increased. Iranian journalists working with foreign media organisations were threatened or harassed by security officials and the EU continued to be concerned with the efforts of the Iranian authorities to prevent citizens from freely communicating and receiving information within Iran.

The widespread use of capital punishment, which in 2011 reached the highest level in Iran in recent years and was applied to minors, including in public, was a matter of particular concern for the EU. Between 277 and 436 executions were recorded in Iran over the year; however, reports of secret executions, particularly in Mashhad's Valikabad Prison, could substantially increase the number of people who were executed during the year in Iran. The EU continued to call on Iran to respect minimum standards, with a view to establishing a moratorium on the use of the death penalty. The fact that hundreds of individuals were sentenced to death without getting a fair trial, or were sentenced for crimes which according to the EU should not result in capital punishment (eg apostasy, adultery, drug-related offences) was particularly worrying to the EU.

The EU also supported the yearly resolution of the United Nations General Assembly on the human rights situation in Iran, which in 2011 received the highest support ever with 86 votes in favour in the Third Committee. Each year since 2004 this resolution has expressed the General Assembly's grave concern at the deteriorating human rights situation.

In March 2011, the EU supported the creation of a mandate for a special rapporteur on the situation of human rights in Iran by the United Nations Human Rights Council. The current mandate-holder, Dr Ahmed Shaheed, had the opportunity to present his views on the situation to the Working Party on Human Rights of the Council of the EU in December 2011. However, by the end of 2011 he had still not been allowed access to Iran. The EU believed that in order to carry out his mandate correctly, he should be allowed access to the country, together with the numerous thematic mandate-holders who, since the last visit by a Special Procedure in 2005, have not been given access to Iran.

In April and in October 2011, the EU subjected 61 persons (including three Iranian ministers) to specific restrictive measures, based on their responsibility, directly or by order, for serious human rights violations. The individuals concerned were subject to an asset freeze and a ban on entering the EU.

At the same time, the EU remained open for technical discussions with Iran on human rights issues. This offer to engage in specific discussions was repeatedly made by the EU to the Iranian authorities over the past year, but nothing materialised. The EU-Iran human rights dialogue, frozen since December 2006 when Iran cancelled the fifth round, therefore remained dormant in 2011.

The EU continued to engage with Iranian civil society within Iran and in exile, so as to support the protection and the promotion of human rights in Iran. This was done in particular through a number of projects financed by dedicated instruments, including the European Instrument for Democracy and Human Rights (EIDHR).

#### **5.5.4. *Iraq***

The human rights situation has remained fragile throughout Iraq as the country only slowly recovers from the difficult post-conflict years and continues to face many political, security and development challenges. The political transition has somewhat stagnated after the last general election and violence has remained widespread, affecting many Iraqi civilians, including persons belonging to minorities and vulnerable groups.



The year 2011 saw an increased use of the death penalty, which remains a matter of serious concern. The EU has repeatedly called on Iraq to cease carrying out executions and to adhere to minimum international standards, pending the abolition of capital punishment (démarches were carried out and statements issued).

The EU continued to voice its human rights concerns in its dialogue with Iraq. The EU Delegation in Baghdad maintained regular contacts with the authorities as well as representatives of civil society and minorities and, together with the EU diplomatic missions, continued the activities of the Human Rights Working Group. The EU also continued actively to support the United Nations in their efforts to facilitate a peaceful solution to the situation of Camp Ashraf residents. The High Representative encouraged all those who can bring any influence to bear on the situation to do so constructively, placing the security and safety of the residents as the utmost priority.

Good governance, human rights and the rule of law have remained key areas of focus for the EU's assistance to Iraq. The EU has been involved in supporting these areas through projects. Good governance and rule of law are included in the priorities of the first ever EU Iraq Country Strategy Paper 2011-2013. The EU has also provided mentoring and training in the field of police, judiciary and prison services through its Integrated Rule of Law Mission for Iraq (EUJUST LEX), which in 2011 significantly increased its in-country activities (Baghdad, Basra and Erbil).

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

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#### 5.5.5. *Yemen*

The Yemeni revolution coloured the situation throughout the year, starting with the first anti-Saleh protest on 15 January 2011, led by Tawakkul Karman, who would receive the Nobel Peace Prize later in the year. In addition, a deterioration of the security situation was seen with attacks by Islamic fundamentalists.

These two issues made reinforced EU engagement during 2011 indispensable. Throughout the unrest, the EU played a central role, in the political and humanitarian fields. The EU exerted constant pressure on all Yemeni parties to facilitate a peaceful transfer of power, which thereafter led to elections after the reporting period. In all its activities, the EU condemned the use of violence against protesters and expressed serious concern about the welfare and safety of the Yemeni people.

No fewer than 21 official statements were published. In addition, EU foreign ministers made their condemnation of the violence and human rights violations known in six sets of conclusions.

Equally, at their meeting in June, Heads of State and Government urged all parties to stop violence, respect human rights and abide by a permanent ceasefire. The High Representative and her staff were also in regular contact with key members of the regime and its opponents. EU action was closely calibrated with the Gulf States, the US and other international players.

As Yemen's political, social and economic turmoil exacerbated an already dire situation, the international community maintained firm and united pressure for an orderly transition and comprehensive reform process to begin without delay. Following action by the EU at the Human Rights Council, the EU's members of the UN Security Council secured a resolution in October, which finally paved the way for the signature on 23 November of the Gulf Cooperation Council initiative and its implementation mechanism and thus for the long-awaited transition.

Independently from action related to the unrest, the EU also continued to address human rights in its dealings with the Yemeni authorities, in particular through human rights-related démarches on the juvenile death penalty, the freedom of expression and the International Criminal Court.

Finally, the EU contributed substantially to addressing the humanitarian needs of the population through increased financial support. The initial humanitarian allocation for 2011 of € 4 million was raised to € 25 million. Total EU humanitarian funding in 2011 was over € 60 million. However, the EU remains convinced that further serious efforts towards relieving the humanitarian situation of the civilian population are absolutely necessary: three million people were in need of immediate assistance and Yemen had the second-highest rate of chronic child malnutrition in the world.

## **5.6. Asia and Oceania**

### **5.6.1. *Afghanistan***

The human rights situation in Afghanistan did not improve significantly in 2011. Areas of particular concern include women's and children's rights, the death penalty, torture and abuse, arbitrary detention, risks to human rights defenders, freedom of expression, transitional justice, impunity and civilian casualties as a result of the conflict.

The justice system and governance in general still have considerable shortcomings and Parliament was in severe turmoil during a significant portion of the year. Bottlenecks and a lack of political will to reform in various aspects of governance hamper progress in human rights both directly and indirectly. As one of the EU's focal areas, governance receives a significant proportion of the EU's attention and funds. In 2011, the EU committed € 20 million for justice and € 40 million for public administration reform, as well as € 140 million for police reform, with an emphasis on civilian policing and professionalisation.

The European Union Police Mission in Afghanistan (EUPOL) works closely with the Ministry of the Interior and other stakeholders to improve the knowledge and application of basic human rights standards by the Afghan National Police. Recently, they supported the establishment of an independent Police Ombudsman Office.

ISAF temporarily suspended the transfer of prisoners in eight provinces following the release of a UNAMA report on torture and abuse in some Afghan detention facilities. Prison overcrowding remains a serious problem. The European Union continues to support the prison sector through salaries for prison staff, though it is monitoring the situation in prisons closely after responsibility for prisons was transferred from the Ministry of Justice to the Ministry of the Interior, in contravention of international best practice.

Violence against women and girls, some traditional practices and punishment for "moral crimes" continued to be of major concern. In 2011 several cases of violence against women generated extensive media coverage. Once in the spotlight, the Afghan authorities responded quickly, but it became apparent that earlier appeals to local authorities had failed to elicit an appropriate response.

In line with the relevant EU Guidelines, women and gender are constant elements in the EU Delegation's dialogue with the Government of Afghanistan. It also seeks to encourage and support the Government's adequate implementation of its national and international human rights obligations. The Delegation maintains regular contacts with civil society and human rights NGOs through consultations and discussion groups. The EU Delegation held at least three consultations between high-level EU officials and civil society members in 2011. Some of the issues focussed on were discrimination, gender-related violence, including sexual violence, trafficking and early and forced marriages.

The EU continues to be a key donor in Afghanistan. Civil society initiatives and projects were funded through the European Instrument for Democracy and Human Rights, the "Non-State Actors and Local Authorities in Development" programme and the Instrument for Stability. These aimed to promote and strengthen a broad-based and inclusive civil society in Afghanistan to engage on policy, economic and social issues, with a view to promoting dialogue and the accountability and transparency of state entities.

Several new projects were started in 2011 and two calls for proposals were launched worth a total of € 3 million. Specific themes among ongoing projects included transitional justice and support for victims of atrocities, initiatives on Women, Peace and Security (UNSCR 1325), human rights training for journalists and strengthening of participation, especially of women, in local governance structures.

In the run-up to the Bonn Conference, an Afghanistan-wide civil society consultation process, supported by Germany and other Member States, enabled civil society to choose its own representatives for the conference and the civil society forum which preceded it.

### **5.6.2. *Bangladesh***

The EU continued to work on the promotion and protection of human rights in the light of its main objectives of poverty alleviation and support for the democratic system in Bangladesh.

The EU launched a number of development programmes aimed at supporting democratic institutions and oversight bodies. Building on its long-term efforts in these areas, it supported action to reinforce local government, build capacity with the Bangladesh Election Commission and assist with institution-building in the Chittagong Hill Tracts (CHT).

In the framework of its regular dialogue with the Bangladeshi authorities, the EU raised issues regarding, inter alia, institutional reform, the role of independent oversight bodies, the situation in prisons, the death penalty, freedom of expression, the implementation of the CHT Peace Accord, and women's and children's rights. EU messages have been reinforced by the presence in Bangladesh of high-level EU leaders, including the Development Commissioner, Mr Andris Piebalgs.

The EU continued to hold a dialogue with all the stakeholders concerned by the Chittagong Hill Tracts Peace Accord with a view to accelerating its implementation. In this regard, it conducted visits to the CHT so as to better assess the situation on the ground. Field visits have been complemented by contacts with relevant actors in Dhaka.

The humanitarian situation of the Rohingya population from Burma/Myanmar has continued to be the object of EU diplomatic and humanitarian action. The EU hopes that a long-term solution can be achieved in the context of cooperation between Bangladesh and Burma/Myanmar.

In November, the EU held a conference on Human Rights and Decent Labour, which aimed to bring together social partners and civil society with a view to developing practical proposals for the effective implementation of the ILO Decent Work agenda, including on challenges such as living wages, the improvement of employment opportunities, addressing gender inequalities with respect to employment and wages, the improvement of social protection schemes, the elimination of child labour, the protection of vulnerable groups and trade union rights.

### **5.6.3.** *Burma/Myanmar*

The EU welcomed the release of a number of political prisoners, the government's commitment to reforms, the easing of media censorship and the passing of legislation in the field of labour law that was developed in close cooperation with the International Labour Organisation.

In response to the encouraging developments, in April 2011 the EU eased its restrictive measures by suspending the visa ban for the civilian members of the Government and the Foreign Minister. Through missions by EU Special Envoy Piero Fassino and other high-level contacts, the EU encouraged further reforms, particularly regarding the rule of law and respect for human rights in ethnic conflict areas, as well as the immediate and unconditional release of all remaining political prisoners. In parallel, the EU also offered assistance in pursuing the reforms. Following an offer by the Burma/Myanmar Government, this included preliminary talks with the newly established national Human Rights Commission.

The EU remained the largest donor of humanitarian and development assistance to the country, in order to help alleviate deep-rooted structural poverty. EU-funded projects covered access to water and sanitation, health, food security, and assistance to uprooted people. Moreover, the EU has proactively built links with civil society and sought dialogue with the government bilaterally in the framework of the ASEM process and of EU-ASEAN meetings. These meetings provided an opportunity to raise the EU's concerns and to encourage the government to continue the process of positive change.

At the multilateral level, the EU supported the renewal of the mandate of the UN Special Rapporteur on Myanmar and the country resolutions at the UN Human Rights Council in the spring and in the UN General Assembly Third Committee in the autumn of 2011, recognising the progress made throughout the year, criticising violations of human rights and discrimination against ethnic groups, and calling on the authorities to take further steps to reform the country. Human rights concerns were also raised directly with the authorities during the Universal Periodic Review.



#### 5.6.4. *Cambodia*

The EU provided financial support to the national side of the Extraordinary Chambers in the Court of Cambodia (ECCC) as part of the EU's commitment towards justice and national reconciliation. In 2011, the EU pledged an additional € 1.3 million contribution to the ECCC under the European Instrument for Democracy and Human Rights.

In 2011 the EU continued to support civil society organisations in the implementation of human rights projects. The EU funding covers areas such as women's rights, children's rights, land rights, indigenous communities, human rights in detention centres and prisons, access to justice, human rights-related aspects of migration, human trafficking, and freedom of expression.

During the preparation of the draft law on Non-Governmental Organisations and Associations, the EU recommended that the Government consult widely with stakeholders on the draft, and produce a law that guarantees an enabling environment for civil society.

In multilateral forums, the EU supported the UN country resolution in autumn 2011, which extended the mandate of the UN Special Rapporteur on Cambodia and enhanced cooperation with the OHCHR. The EU also welcomed the acceptance of all recommendations of the UN Universal Periodic Review.

#### 5.6.5. *China*

The EU remained concerned at violations of human rights in China in 2011.

The EU-China human rights dialogue which took place in Beijing on 16 June 2011 discussed in detail the rights of persons belonging to minorities, in particular the situation of ethnic Tibetans, Uighurs and Mongols, as well as Christians and practitioners of non-theistic beliefs, such as Falun Gong. The dialogue also discussed the rule of law; the EU emphasised its concerns about the growing practice of enforced disappearances and extra-legal detention, and sought information about reports of torture of persons in detention. The EU stressed the importance of an independent judiciary and that lawyers must be free to exercise their professional duties without harassment. The EU also raised restrictions on freedom of expression and repeated its call for China to ratify the ICCPR and to reform the "Re-education through Labour" system. The dialogue was not accompanied by a side visit as it was not possible to reach agreement on the location for such a visit. The EU handed over a list of individual cases of concern in the margins of the dialogue. China de facto cancelled the second round of the dialogue which should have taken place during the second half of 2011.

The EU-China legal experts' seminar took place on 6 and 7 September in Beijing. The themes were human rights and drugs policy and human rights and technology.

Following a wave of arbitrary arrests and enforced disappearances of lawyers, writers, journalists, petitioners, artists and bloggers in China in spring 2011, as well as the introduction of new restrictions on the work of foreign journalists, the High Representative issued a statement on 12 April expressing her alarm at these developments.

The statement expressed concern at the arrest of Ai Weiwei, underlined that arbitrary arrests and disappearances must cease and urged the Chinese authorities to clarify the whereabouts of all persons who had disappeared. The High Representative called on China to ensure that the treatment of the individuals in question was in accordance with international human rights standards and to release all those who had been detained for exercising their right to freedom of expression. On 24 June, the High Representative welcomed the release of Ai Weiwei.

China continued severely to restrict freedom of expression and association throughout 2011, and Chinese courts imposed heavy sentences. The High Representative condemned the sentencing of the human rights activists Chen Wei and Chen Xi to nine and ten years in prison respectively in December 2011 and also criticised the sentencing of the human rights lawyer Gao Zhisheng to a further three years' imprisonment. The High Representative called for Mr Gao's immediate release and for information about his well-being and location.

The EU was gravely concerned at policies implemented by the Chinese authorities in Tibet and Xinjiang. In an "urgency" debate in the European Parliament on 27 October, the High Representative underlined the EU's concerns at increasing legal restrictions on religious practice in Tibet, limitations on teaching of the Tibetan language, the ongoing official campaign against Tibetan intellectuals and cultural figures, the harsh measures taken against any Tibetan attempting to protest against official policies and the impact of the mass forced resettlement of nomads on Tibetan culture. The EU underlined its profound concern at the series of self-immolations in the Tibetan regions and called on the Chinese authorities to allow all Tibetans to exercise their cultural and religious rights without hindrance, and to refrain from the use of force against peaceful protest. In an emergency debate on 10 March, the High Representative expressed her concerns regarding the redevelopment of Kashgar in Xinjiang. The EU was concerned that the destruction of a city which had formed the basis of Uighur culture for many hundreds of years might have a grave impact on the preservation of that culture in the years ahead and underlined that it would call on China both to consult local residents and to work with UNESCO concerning the redevelopment.

At the 17th session of the UN Human Rights Council, the EU issued a statement expressing its deep concern at the deterioration of the human rights situation in China.

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

The EU remained seriously concerned over the grave violations of human rights in the Democratic People's Republic of Korea (DPRK). It repeatedly voiced its concern in international forums and urged Pyongyang to improve the situation. In March 2011, the EU again played an important role in the adoption by the UN Human Rights Council of the resolution extending for another year the mandate of the UN Special Rapporteur on the situation of human rights in DPRK. On 19 December 2011, the UN General Assembly adopted with 123 votes in favour a resolution initiated by the EU, Japan and the Republic of Korea on the human rights situation in DPRK. Human rights concerns were also raised directly with the DPRK authorities by the resident ambassadors of the EU Member States in Pyongyang and during meetings with DPRK officials in Brussels and in other EU Member States.

During the regular EU-DPRK political dialogue which took place in the first week of December 2011 in Pyongyang, the EU called upon the DPRK to respect fully all human rights and fundamental freedoms and to address the recommendations of relevant UN resolutions. The EU encouraged Pyongyang, as a matter of confidence-building, to cooperate fully with the UN human rights mechanisms, including by granting the Special Rapporteur full, free and unimpeded access to the DPRK. The EU also encouraged Pyongyang to engage in a meaningful dialogue on human rights with the EU and its Member States. The EU reiterated its willingness to establish bilateral dialogue with the DPRK on human rights, which would offer expertise and constructive cooperation in specific areas of human rights. The EU expressed its deep concern over the fact that DPRK citizens are still being sentenced to death and executed. The EU urged Pyongyang immediately to put an end to the systematic, widespread and grave violations of civil, political, economic, social and cultural rights, to protect its inhabitants, to address the issue of impunity and ensure that those responsible for violations of human rights are brought to justice before an independent judiciary, to ensure full, safe and unhindered access to humanitarian aid and to allow humanitarian agencies to secure impartial delivery of aid. The EU urged the DPRK to tackle the root causes of refugees and to ensure that any refugees returned to the DPRK are able to return in safety and dignity.

During the second half of 2011 the EU provided € 10 million for emergency food aid to the DPRK to assist vulnerable groups, mainly in the northern and eastern provinces. In August 2011, the EU allocated an additional € 200 000 to flood victims in the country.

#### **5.6.7. *Fiji***

During 2011 there was no improvement in the human rights situation with the military regime of Commodore Bainimarama consolidating its grip on power. Of particular concern are limitations on freedom of expression and freedom of assembly, as well as arbitrary detentions and media censorship.

As a reaction to the 2006 coup d'état and Fiji's subsequent failure to meet jointly agreed commitments on democratic principles, human rights and the rule of law, the EU decided in 2007 to suspend development assistance (with limited exceptions) under the Cotonou Agreement and the Development Cooperation Instrument. The decision, originally valid for two years, has been extended several times and was extended on 26 September 2011 for a further twelve months. Throughout 2011, during bilateral meetings and regular political dialogue sessions in Suva under Article 8 of the Cotonou Agreement, the EU encouraged the regime to engage in meaningful dialogue, to restore democracy and to repeal the Public Emergency Regulations.

Following the arrest without warrant and severe beatings by military forces in February of at least ten politicians, trade unionists and dissidents, the EU protested to the Foreign Minister in Article 8 political dialogue meetings on 15 March and - together with the US and other partners – again on 21 March.

The regime prohibited the annual meeting of the Methodist Church, following the Church's refusal to dismiss three church leaders. The regime also adopted decrees severely restricting core labour rights, namely the Employment Relations (Amendment) Decree and the Essential National Industries Employment Decree. Trade union leaders were arrested for unlawful assembly while meeting with union members, and one leader has been charged with sedition. Censorship was strengthened through implementation of the 2010 Media Industry Development Decree.

The 2009 Public Emergency Regulations, which severely restrict human rights, were extended on a monthly basis throughout 2011, but on 31 December Commodore Bainimarama announced their imminent lifting.

#### **5.6.8. *India***

The European Union continued to monitor human rights in India closely in pursuance of its human rights guidelines, interacting with civil society and Governmental agencies (especially during the annual human rights dialogue) on alleged abuses, and providing assistance to human rights NGOs and individual human rights defenders.

In the area of fundamental rights, the death penalty was subject to close monitoring and high-level diplomatic action, including a letter by High Representative Ashton to Home Minister Chidambaram, in the light of the President's rejection of several pleas for mercy. Discussion continued with the Government, in the context of the human rights dialogue held in March, on the adoption of the Prevention of Torture Bill and concerns related to security legislation.

With respect to human rights defenders in particular, the EU continued to engage with the Indian administration on a list of priority cases (and continued to observe the hearings on the case of Dr Binayak Sen, who was released on bail).

A workshop was held on social inclusion.

EU Heads of Mission (HoMs) had the opportunity to appraise themselves with human rights issues in Jammu and Kashmir during their annual visit to that region.

Last but certainly not least, the EU provided financial support for a number of initiatives on a range of human rights concerns, including trafficking of women and children, prevention of torture, rights of marginalised and socially excluded groups, rights of workers in the informal sector and access to justice for vulnerable populations.

#### **5.6.9. *Indonesia***

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

The second round of the human rights dialogue took place in March 2011 in Brussels. It provided valuable opportunities to discuss issues of concern such as non-discrimination, the rights of detainees and prisoners, the International Criminal Court, women's rights, the right to education, and cooperation in multilateral forums. Furthermore, in October 2011, the EU organised a civil society seminar on the freedom of religion, entitled "Human Rights and Faith in Focus", which provided for lively exchanges on the role of religion in promoting human rights and the reconciliation of the freedom to practice faith with other key human rights, including freedom of expression.

The EU issued statements on the killing of three members of the Ahmadi community and the inadequate sentencing of those convicted of the attacks in February and July 2011.

Twelve human rights projects were supported in 2011 through the European Instrument for Democracy and Human Rights (EIDHR), covering concerns such as human rights mainstreaming in decision-making, political representativeness, torture, the right to education and the right to health, and the effective enjoyment by women and children of their human rights. The EU policy guidelines on human rights have been translated into Bahasa and are being widely disseminated.

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

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

#### **5.6.10. *Japan***

Work progressed through the year on the scoping exercise for an EU-Japan agreement on political, global and other sectoral cooperation, underpinned by the shared commitment to fundamental values and principles.



The EU maintained its longstanding cooperation with Japan in line with the 'agenda for cooperation'. Consultations on human rights were held, notably to facilitate cooperation on work in the framework of the UN General Assembly, including on the jointly sponsored resolution on human rights in the DPRK.

The EU very much welcomed the de facto moratorium on the death penalty that was observed in Japan throughout 2011, and urged its continuance.

#### **5.6.11. Laos**

The EU and Laos held the third round of the regular human rights dialogue in the framework of the EU-Laos Working Group on Governance and Human Rights in February 2011. The dialogue provided an opportunity to discuss numerous human rights issues, including the implementation of the Universal Periodic Review (UPR), freedom of expression, assembly and association, freedom of religion and belief, Hmong returnees, trafficking of human beings, conditions in prisons and detention centres, the governance reforms, and land rights. The dialogue was preceded by an expert seminar on the implementation of the recommendations of the UPR in Laos. The EU shared the experience of its Member States in this field, and international organisations and civil society provided ideas on how to enhance the implementation of UPR recommendations in Laos.

Nine projects related to human rights were implemented in 2011. Six of them were funded under the European Instrument for Democracy and Human Rights, one under the "Non-State Actors/Local Authorities" thematic programme and two under the project agreement between the EU and UNDP. They focused on the rights of the child, gender rights, persons with disabilities, disadvantaged minority groups, and building the capacity of the emerging Lao civil society organisations.

The projects with the UNDP also supported the National Assembly to reform national legislation in order to comply with international conventions or standards. An international law project also offered several training sessions on the implementation of the international conventions on human rights for government officials and local civil society. The UPR recommendations for Laos were published and distributed to various agencies, both governmental and international.

#### **5.6.12. *Malaysia***

In 2011 the EU and Malaysia continued negotiations on a Partnership and Cooperation Agreement, which will include provisions on human rights.

The EU and Malaysia launched discussions on human rights at a local level. The first such meeting took place in February 2011 with a focus on women's and children's enjoyment of their human rights. This is the first bilateral human rights dialogue that Malaysia has ever conducted.

On 1 March 2011, the EU Delegation, the Embassy of the Netherlands and the Institute of Advanced Islamic Studies organised a public seminar on "Religion in the Public Space – the EU and Malaysia" which attracted more than 150 participants from the general public. A closed-door seminar with the same title took place the following day.

In March, Malaysia also hosted the Asia-Pacific on the Universality of the Rome Statute of the ICC. This event was followed by the Government's decision to accede to the Rome Statute.

The EU funds a number of projects under the European Instrument for Democracy and Human Rights (EIDHR) covering a wide range of issues, such as the women's and children's rights, non-discrimination, freedom of the media, indigenous people, human rights education, and persons with disabilities. In the frame of the first stocktaking meeting in September 2011, the beneficiary NGOs shared the main challenges met during project implementation and helped identify further action points for follow-up by the EU in Malaysia. EIDHR funds were also used to finance the making of a documentary film on the death penalty in Malaysia.

The EU continued cooperation with all stakeholders on human rights, inviting some of them to the local EU Human Rights Working Group meetings. The main counterparts are the Malaysian Bar and the National Human Rights Commission. One of the concrete achievements of this cooperation was a public event on the abolition of capital punishment organised in October 2011. Back-to-back with the public seminar, attended by some 350 participants, a closed-door technical consultation was also held upon the request of the Attorney General's Chamber. Both events had high-profile European personalities as speakers and both events served as the first steps of a long-term campaign for the abolition of capital punishment in Malaysia.

### **5.6.13. *Nepal***

Despite commitments made under the 2006 Comprehensive Peace Agreement, violations of human rights including various forms of discrimination and widespread impunity, as well as poor rule of law, remain the key long-standing human rights challenges in Nepal.

At the political level, the EU engaged in ongoing advocacy with the Government and consistently reminded the political parties about the need to bring to account perpetrators of human rights violations and address emblematic cases of human rights abuses, committed both during and after the conflict, which highlight the continuing impunity for such crimes. A letter of concern on the transitional justice mechanisms and proposed blanket amnesties was presented to the Prime Minister, the Chair of the Constituent Assembly and the leaders of the political parties.

During Nepal's Universal Periodic Review held in January 2011 and its follow-up in June 2011, the EU urged the Government to fulfil its commitments and advocated the improvement and adoption of several draft bills to establish transitional justice mechanisms, which are pending in Parliament.

Locally, the EU is continuously coordinating and monitoring the human rights situation in Nepal, in particular the vulnerable situation of human rights defenders. A mission of the Kathmandu-based EU Working Group for the protection of Human Rights Defenders was carried out to the southern part of Nepal in May 2011 to gather first-hand accounts of the challenges faced by human rights defenders and to show support for their work. As the chair of the EU Working Group on the protection and promotion of human rights defenders, the EU Delegation organised a meeting of the EU Working Group to take stock of the situation faced by human rights defenders and discuss possible ways forward.

The EU provides financial support to various NGOs and INGOs to implement human rights and democracy-related initiatives in Nepal. Projects have been funded under the European Instrument for Democracy and Human Rights (EIDHR), the Instrument for Migration and Asylum, and the Instrument for Investing in People (DCI-HUM). Two new projects which are being implemented since 2010 - one project under the EIDHR global call (EU commitment of € 360 000) and one from the global DCI-HUM call (EU commitment € 575 000) - continue to address the issue of children and families affected by armed conflict in Nepal. Another project (EU commitment € 857 000) selected from the global call under DCI-HUM is addressing the issues of protection and promotion of diverse culture. In addition to the six new projects selected in 2011 under the EIDHR Country Based Support Scheme (CBSS) (EU commitment € 900 000) there are 10 ongoing projects that largely focus on the protection and promotion of human rights and consolidation of democracy. Two new projects started in 2011 are also helping to promote the safe migration of women migrant workers.

Bilateral programmes on education and the peace-building process are still in place to promote access to education and support quality education. Projects funded under the instrument for food facilities are also addressing the dire needs for basic food of the community.

In order to set priorities for the EIDHR call in 2012 the Delegation held consultations with different groups including women, Dalits, and children.

In 2011, the EU Delegation to Nepal organised a workshop to mark Indigenous People's Day. The Delegation also attended several programmes on different occasions, expressing solidarity on the protection and promotion of human rights. A joint EU++ press release was issued locally on the occasion of Human Rights Day on 10 December, highlighting the government's responsibility to make additional strong efforts to protect and promote fundamental human rights and to meet its obligations under international law in order to consolidate peace and democracy.

#### **5.6.14. *Pakistan***

The Third Generation Cooperation Agreement (2004) between the EU and Pakistan includes the by now mandatory human rights clause.

During 2011, the EU negotiated a new strategic partnership with Pakistan, the EU-Pakistan Engagement Plan. The five-year Engagement Plan envisages a more frequent dialogue on human rights and the ratification and effective implementation of international conventions, as part of a strategic political dialogue.

The beginning of 2011 witnessed two tragic assassinations of high-level politicians in Islamabad. The former Governor of Punjab Salman Taseer and the former Minister for Minorities, Shahbaz Bhatti, were killed by extremist groups due to their support for reform of the draconian blasphemy laws, triggered by the death sentence of a Christian woman for blasphemy. The assassinations unleashed intolerant forces within the Pakistani community that openly supported the assassination of Salman Taseer and celebrated his murder. The High Representative strongly condemned both incidents, highlighting the EU's concern with the climate of intolerance and violence linked to the debate on the blasphemy laws, and urging the Pakistani authorities to ensure the protection of those who had spoken out on the matter. The EU continued to monitor and raise concern about the case of Asia Bibi, the Christian woman sentenced to death for blasphemy in 2010 and who is currently in prison in Punjab, with the authorities throughout the year.

Pakistan ratified the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture (CAT) - on the eve of the second EU-Pakistan Summit on 4 June 2010. However, at the same time Pakistan lodged numerous blanket reservations on the human rights instruments. The EU subsequently initiated efforts highlighting its concern about the nature and extent of the wide reservations against the treaties, which were among the most extensive reservations made by any State Party on these treaties. The message was reinforced by incoming missions from the European Parliament during the year. In response to the EU's sustained campaign, Pakistan lifted 16 of its 19 reservations on 14 September 2011.

The security of journalists addressing human rights issues remained a serious concern throughout the year. A specific concern was the killing of a well-known journalist in Pakistan reporting on sensitive issues, in particular the Taliban movement in Afghanistan and Pakistan. In response to wide-spread concerns, the EU Delegation organised a panel discussion on 15 July 2011 in Islamabad to address the safety and security of the media, which was attended by a large number of media representatives. Extensive discussions were held on the need for training and protection of journalists reporting from conflict zones and on how to pursue investigative journalism in the face of threats, as well as the boundaries of responsible journalism.

The EU cooperated with Pakistan in a programme increasing the capacity of the law enforcement agencies; all training conducted with police and prosecutors included components on effective protection of human rights.

The EU is in the process of formulating a "Support to democratic institutions" programme which includes a human rights component. The overall objective of the programme is to support the consolidation of the democratic process in Pakistan by strengthening its democratic institutions. The specific purpose is to contribute to the improvement of the functioning and delivery of Pakistan parliamentary assemblies, primarily at provincial level. The human rights component aims to enhance the promotion and protection of human rights in the country through assistance to Government and the national human rights institutions, to increase their capacity to address human rights issues and fulfil international human rights obligations.

#### **5.6.15. *Philippines***

Following the conclusion of the negotiations on the Partnership and Cooperation Agreement, which contains strong provisions on human rights, the EU and the Philippines initiated discussions on the possible launch of a human rights dialogue. Until such a formal dialogue is in place, the EU continues to address human rights issues in the framework of the regular political dialogue, most recently at the Senior Officials Meeting in December 2011, and in its interactions with civil society and relevant constitutional bodies.

The EU continued its support for the Mindanao Peace Process through direct participation in the International Monitoring Team (IMT), particularly by leading the Humanitarian, Rehabilitation and Development Component. 2011 brought increased momentum to the peace negotiations.



The EU continued to provide technical assistance to address the issue of extra-judicial killings and enforced disappearances. The EPJUST programme assisted Philippine society (government agencies, relevant constitutional bodies and civil society) in bringing to an end the extra-judicial killings and enforced disappearances of activists, journalists, trade unionists and farmers' representatives, and in identifying the perpetrators and bringing them to justice. Following the end of the EPJUST programme in July 2011, the EU will continue its support under a new "Justice for All" programme aimed at enhancing the possibilities of rights-holders to seek justice and at the same time to enhance the efficiency of duty-bearers to deliver justice, with a particular emphasis on extra-judicial killings and enforced disappearances. The EU also continued to support numerous projects under the European Instrument for Democracy and Human Rights, including on women's rights, indigenous people, prevention of torture, the rights of the child, human rights defenders, trade unions and workers' rights.

The EU welcomed the ratification by the Philippines of the Rome Statute of the International Criminal Court in August 2011. The High Representative issued a statement congratulating the Philippines on this decision.

#### **5.6.16. *Sri Lanka***

The human rights situation in Sri Lanka was subject to continued international attention in 2011. Despite some positive progress made in areas such as language rights and the fight against human trafficking, the Government failed to implement policies and to take action that would address a number of serious human rights issues. Disappearances, extra-judicial killings, widespread practice of torture, long-term unlawful detentions, legal obstacles to fair and due process and an alarming level of impunity are among the biggest concerns.

In 2011, the exchanges on human rights between the EU and Sri Lankan authorities were interrupted after the withdrawal of GSP+ preferential trade tariff concessions that had taken place in 2010.

However, despite the absence of formal engagement with the Sri Lankan government in the human rights field, the EU Delegation in Sri Lanka, in close cooperation with Member States' Embassies, maintained regular monitoring of human rights violations on the ground, including in the North and East where the conflict had taken place. The EU continued its support for human rights defenders and journalists at risk. The EU and Member States' diplomats coordinated their action and advocacy work such as raising human rights concerns with national authorities, attending court hearings of human rights defenders who had been charged with illegal activities, and monitoring investigations of disappearances. They regularly held thematic meetings and also an annual meeting with human rights defenders and civil society members with the objective of regularly updating themselves on the situation on the ground and maintaining links with local actors. The EU also raised questions about the protection of human rights with the Sri Lankan Ambassador to the EU. Furthermore, the EU continued to express concern about past and present violations of human rights in Sri Lanka in multilateral forums, notably at the Human Rights Council, at the same time encouraging the Government of Sri Lanka to engage with the UN on these matters.

EU assistance was provided through the funds available to support Non-State Actors (NSA) as well as the European Instrument for Democracy and Human Rights (EIDHR).

### 5.6.17. *Thailand*

In view of the parliamentary elections in July 2011, the EU deployed an Election Expert Mission (EEM) in Thailand, consisting of two election experts based in Bangkok. The EEM's mandate was to provide an analysis of the elections against international standards for democratic elections and to report regularly to EU institutions, as well as making recommendations for possible improvements to the electoral process. The EEM received good cooperation from the Thai authorities and the final report was shared with the Foreign Minister, the Chairman of the Election Commission and the Head of the Truth and Reconciliation Commission.

The EU continued to watch the development of freedom of expression (FoE) in Thailand closely. The EU regularly met several civil society representatives and human rights defenders who expressed their concern at the shrinking space for freedom of expression and the politicisation of the issue, the significant increase of *lèse majesté* cases, and the harsh application of the laws and length of sentences in recent cases. The EU observed several trials of prominent human rights defenders, including the hearings of Chiranuch Premchaiporn and Somyot Pruksakasemsuk. After the sentencing of Amphon Tangnoppakul to 20 years' imprisonment in November 2011, the EU issued a local EU Heads of Mission statement urging the Thai authorities to "ensure that the rule of law is applied in a non-discriminatory and proportional manner consistent with upholding basic human rights, including FoE".

The EU funded a number of human rights-related projects covering the rule of law and access to justice, the reconciliation process in the Deep South and refugees' rights. In addition, the EU continued its field visits to the Deep South, North-East and other areas of the country. Moreover, the EU closely monitored Thailand's first Universal Periodic Review (UPR), which took place in October 2011 in Geneva, encouraging the Government to accept and implement as many UPR recommendations as possible. In this context, the EU welcomed Thailand's UPR commitment to extend a standing invitation to UN Special Procedures and would greatly welcome an official visit to Thailand by the UN Special Rapporteur on the right to freedom of expression.

#### **5.6.18. *Timor-Leste***

Timor-Leste is making steady progress in strengthening democracy and human rights, against the background of the significant challenges that this young and still fragile country is facing. In March 2011, the European Union launched a programme worth € 39 million to support Timor-Leste on its way to stable democracy and sustainable development, in particular as regards democratic governance, the development of rural areas, and the role of civil society. Concerning the latter, the aim is to enhance the capacity of networks and umbrella organisations, support inclusive dialogue and cooperation between local and central Government entities and non-state actors, and improve the participation of non-state actors at a decentralised level through appropriate actions in civic education and youth employment. This assistance is important as Timor-Leste lacks capacity to properly address abuses of human rights. A crucial issue is accountability for past human rights violations (during the Indonesian occupation from 1974 to 1999 and the 1999 violence after the referendum on independence). The EU supported the drafting of the two reports on these events. Both reports have not yet been discussed in Parliament.

At the UN Human Rights Council's first Universal Periodic Review of Timor-Leste in October 2011, in which a large number of EU Member States actively participated, core recommendations referred to tackling violence against women and children, addressing violations from the past and ensuring reparations for victims of conflict, as well as strengthening judicial institutions.

#### **5.6.19. Vietnam**

In 2011, the EU continued to encourage Vietnam, through its regular human rights dialogue, public statements, diplomatic démarches and technical assistance, to move towards a more open society based on the rule of law and respect for human rights.

In particular, the EU urged the Government of Vietnam to remove restrictions on freedom of expression and the media as guaranteed by Article 19 of the International Covenant on Civil and Political Rights, to which it is a party.

The EU also used technical assistance delivered under the "Justice Partnership Project" to modernise and professionalise the judicial system.

The EU continued the implementation of projects on the promotion and protection of human rights, including on the rights of the child, workers' rights, the rights of persons with disabilities, and non-discrimination.

The EU and Vietnam agreed to review the arrangements for their regular dialogue on human rights, moving from a local dialogue led by EU Heads of Mission in Hanoi to a capitals-based enhanced dialogue led by human rights experts. ( N.B. the first round of this new, enhanced human rights dialogue took place on 12 January 2012 in Hanoi).

## **5.7. The Americas**

### **5.7.1. Canada**

The EU maintained cooperation with Canada, in line with the EU-Canada 'partnership agenda' (agreed in 2004). The EU and Canada held bilateral human rights consultations in Geneva on 17 March 2011, in addition to ongoing contacts throughout the year. These provided opportunities to review international human rights priorities.

At the UN General Assembly, the EU was active in support of the Canadian sponsored resolution on the situation of human rights situation in Iran. There was also support from the EU for the Canadian backed initiative at the UN in favour of creating the International Day of the Girl (11 October).

### **5.7.2. USA**

Due to the EEAS establishment process, no bilateral human rights consultations were held with the US during 2011. However, regular exchanges occurred between the US Administration and the EU Delegation in Washington, DC, between headquarters (EEAS and State Department), and between the respective missions to the United Nations in New York and Geneva. The EU promoted the dialogue on Human Rights in Washington by participating to several multilateral meetings organised by State Department and intensifying contacts with stakeholders, NGOs and think-tanks in particular, on topics such as Human Rights in the Arab Spring countries, freedom of religion, LGBT, Internet Freedom, Human Rights Defenders. Moreover, as in previous years, the dynamic partnership established between the EU and the US in multilateral forums, such as the Human Rights Council and the UNGA Third Committee, has been pivotal to several outcomes (see section above). This cooperation was complemented by a dialogue on counter-terrorism and international law with the State Department's legal Adviser Harold Koh.

The death penalty continues to be a top concern for the EU. 43 people were executed in 2011, only a slight drop from the 46 people executed in 2010. However, the number of death sentences dropped from 104 in 2010 to 78 in 2011, the first time that number was below 100 since the death penalty was reinstated in 1976. Amongst the 43 executions, the EU intervened in six cases, in accordance with the EU's guidelines. The EU either through the EU DEL Ambassador and/or statements from the HR/VP and the EU Delegation to the OSCE made multiple statements regarding those six who included Troy Davis in Georgia and Humberto Leal in Florida.

In addition the EU ban on the export of dual use drugs which can be used for executions delayed several executions in Ohio, Kentucky, Arizona and several other states as both State and Federal level courts were the scenes of various cases declaring the purchases of foreign drugs for execution as illegal. Several states had to rewrite execution law to change the three drug "cocktail" for lethal injection to alternatives which could be obtained in the US. Several appeal cases remain under court review as of this date as well.

A 2011 Gallup poll showed that only 61% of Americans favoured the death penalty, the lowest level of support recorded by Gallup since 1972. There appears to be some momentum developing at the state level, where several states have abolished the death penalty in recent years, including the State of Illinois in March 2011 and in November 2011 Oregon Gov. John Kitzhaber halted a pending execution and declared he would sign no other death warrants while in office.

In 2011, the EU supported six civil society organisations through EIDHR grants, including the American Bar Association, which campaigned for the abolition of capital punishment in the U.S. In parallel, the EU continued its own efforts against the death penalty. In particular, following the criteria set out in the EU Guidelines for Intervention on Death Penalty Cases (2008), the Head of the EU's Washington Delegation continues to issue statements when appropriate.

When solicited by the EU with regard to the passage of implementing language of the International Court of Justice decision referred to as the “Avena Decision”, the US Government reiterated its intention of enacting the necessary implementing legislation as soon as Congress could be persuaded to act. Unfortunately the legislative process has not progressed so far.

At the beginning of 2011, the debate on the closure of the Guantánamo Bay Detention Facility took a new twist with President Obama's Executive Order of March 2011 introducing, on the one hand, a process of periodic review for prolonged detention and, on the other hand, resuming the Military Commissions’ trials. Although the Administration reiterated its commitment to closing the detention facility, the steps taken were a pragmatic recognition that it will not occur any time soon. The EU continued to monitor the developments and to call for the closure of the facility.

The process was even further slowed down by the Congress adoption, in December 2011, of the 2012 National Defence Authorisation Act. This Act not only contained previously used language making difficult to close Guantánamo, but it also codified the 2001 Authorisation of the Use of Military Force Act (AUMF) and mandatory military detention and (potential) indefinite detention without trial of foreign terrorist suspects (ie persons captured in the course of hostilities and suspected of belonging to or being linked to Al Qaeda, or of having participated in the planning or carrying out of attacks against the US or its coalition partners). The EU engaged with the US Administration on these issues.



### 5.7.3. *Argentina*

Since the end of the military regime in 1983 there has been a remarkable improvement in respect for human rights. Argentina has ratified most of the UN and regional human rights instruments as well as the Rome Statute of the International Criminal Court.

However, a number of challenges remain, particularly in prison conditions, domestic violence against women and the rights of persons belonging to minorities.

Human rights issues feature prominently in the EU-Argentina bilateral agenda with a specific EU-Argentina Joint Declaration on Human Rights (2008). The next EU-Argentina human rights dialogue was scheduled for April 2012.

Social justice, rights of persons belonging to minorities and the human rights of indigenous populations have been key issues and core areas of intervention for EU-Argentina cooperation in human rights. The work carried out in 2011 is in line with the priorities identified for Argentina including support for vulnerable groups affected by inequalities and poverty, women's rights and human trafficking, detention conditions and guarantees, and crimes against humanity.

In addition, two EU démarches were made in 2011 to communicate EU priorities for the UN Human Rights Council to relevant Argentine authorities.

#### 5.7.4. *Bolivia*

The year 2011 will be remembered in Bolivia as the TIPNIS year. The conflict over the construction of a road through a natural and indigenous reserve (TIPNIS - *Territorio Indígena Parque Natural Isiboro Sécuré*) generated a strong protest among the indigenous populations and highlighted the challenges of making national economic development compatible with respect for indigenous peoples' rights. In 2011, Bolivia held judicial elections in order to choose the judges of its highest judicial bodies, including the Constitutional and the Supreme Courts. These elections were promoted by the government as a ground-breaking attempt to democratise and promote the independence of the judiciary and improve access to justice. However, the unprecedented numbers of spoiled and blank votes indicated a protest vote, influenced by the TIPNIS conflict. The EU is an important actor for the protection and promotion of human rights and uses several instruments to achieve such goals, including development cooperation, the Instrument for Stability and political dialogue.

### 5.7.5. *Brazil*

Dialogue and close cooperation with Brazil on human rights issues continued in 2011. As envisaged in the Joint Action Plan, the EU and Brazil have developed an "institutional" framework enabling regular bilateral consultations on human rights-related issues. In May 2011, the second session of the EU-Brazil human rights dialogue was held in Brasilia; eight Brazilian line Ministries attended the meeting, where the agenda focused on indigenous peoples, human rights defenders, and migration-related issues. Two small projects were financed in 2011 through the Sectoral Dialogues Facility Fund (DCI Country allocation), one to support the National Program for the Protection of Human Rights Defenders, and one related to combating human trafficking, with a focus on women and children. A European Instrument for Democracy and Human Rights (EIDHR) call for proposals was also launched, worth a total of € 1.8 million. The call will finance civil society initiatives focused on combating violence against women, children, vulnerable populations and human rights defenders. At the fifth EU-Brazil Summit held in Brussels on 4 October 2011, the EU and Brazil committed to reinforcing cooperation on human rights in multilateral forums, in particular by developing joint initiatives in the Human Rights Council as well as by developing triangular cooperation initiatives with interested developing countries.

### 5.7.6. *Chile*

The comprehensive EU-Chile Association Agreement underpins a very good bilateral relationship. During 2011, Chile and the EU continued to work together to promote human rights domestically, in the bi-regional context and in multilateral forums. At the second EU-Chile human rights dialogue, held in Santiago in January, discussion focused on the rights of indigenous people, women and migrants, and on cooperation on the review of the UN Human Rights Council. In October, civil society representatives from the EU and Chile took part in two human rights seminars in Santiago: one concerned with human rights and corporate social responsibility, and the other looking at institutional models for addressing the protection of human rights, as Chile prepared to create a Secretariat for Human Rights in the Ministry of Justice. Through its external assistance, the EU continues to support the implementation in Chile of ILO Convention 169 (on rights of indigenous and tribal people) and the preservation of memory of the 1973-1990 military dictatorship.

### 5.7.7. *Colombia*

In 2011, the Colombian government continued to implement ambitious initiatives, announced by President Santos when he took office in August 2010, that aim to heal some of the wounds inflicted by Colombia's internal conflict and to improve the human rights situation. The centrepiece of these initiatives is the law on reparation for the victims of the conflict and the restitution of land appropriated illegally, under which reparation is to be provided to four million victims. Other key measures included the tabling, in parliament, of a reform of the justice system, with aims which include reducing impunity, reforming the government's system of protection for persons at risk, and dissolving the discredited DAS (*Departamento Administrativo de Seguridad*) intelligence agency.

The Santos government also continued to reach out to human rights defenders, trade unions and civil society in general, and pushed forward a dialogue process, involving civil society and the international community, that is to culminate in a national human rights conference in December 2012 where a national human rights action plan is to be adopted and a national human rights centre established. Despite government efforts, there were still threats and attacks against human rights defenders, trade unionists, land activists and political and social leaders, not least due to the determined opposition to some of the Santos reforms from vested interests, linked to illegal armed groups, which are pushing back by stepping up violence.

The EU watched the human rights situation in Colombia closely, maintaining regular contacts with Colombian authorities at different levels. The readiness of the government to discuss human rights issues without any taboo and in full transparency was demonstrated by the fifth session of the local EU-Colombian human rights dialogue, held in June 2011, with the full involvement of relevant line agencies. Topics discussed included the fight against impunity and the new victims' law. The EU also enquired about a number of individual cases, including those of attacks and threats against human rights defenders. Apart from its dialogue with the government, the EU continued to maintain close links with and consult civil society and human rights defenders, including in the context of an EU-funded civil society seminar which took place in Bogotá in December 2011. Moreover, the Union implemented external assistance programmes in support of human rights, providing capacity-building support in the fight against impunity, aid to internally displaced persons and preventive actions against displacement, and assistance to victims of conflict. The EU also prepared a first pilot programme in support of the victims' law.

### 5.7.8. *Ecuador*

2011 was marked by an increasing confrontation between the government and private media - considered as defending the interests of traditional economic and political elites that oppose the "*Revolución Ciudadana*". Some judiciary cases against newspapers and journalists could have negative effects on freedom of expression and independence of the judiciary in Ecuador.

The project in the northern border area of Ecuador with Colombia, funded by the Instrument For Stability, was still ongoing in 2011.

Its main objectives are to strengthen the capacity of institutions and civil society to confront the security crisis situation; to improve the protection of the basic human rights of highly vulnerable population groups; and to encourage the dialogue processes between the population and public authorities on both sides of the border, including social and economic peace-building measures and fostering a peaceful culture.

A European Instrument for Democracy and Human Rights Country-Based Support Scheme (EIDHR-CBSS) call for proposals for Ecuador was launched in November 2011, with the aim of encouraging coordination and linkages between the various actors in the promotion of human rights and the application of constitutional guarantees, in particular in the setting up of a fair and efficient judicial system, as well as in the development of integrated systems of security and crisis prevention.

### 5.7.9. *El Salvador*

In June, the EU Delegation in El Salvador and the Embassies of three EU member states visited the facilities of a small community-based radio station, which had received several death threats. The radio station workers claimed that they were being threatened because of their public opposition to mining projects in the Cabañas department, and their denunciation of electoral fraud in the same area. The fact-finding mission was followed by a meeting with the Minister for Justice and Security, who was asked to pursue the investigation of the threats and to keep providing protection to the radio station staff.

An agreement was signed with the Salvadorian government and the local electoral body to finance a reform that, starting with the 2014 presidential election, will reduce the distance between voters and voting centres, thus fostering democratic participation. The project is a follow-up to the recommendations made by the EU election observation mission after the 2009 elections.

### 5.7.10. *Guatemala*

The EU monitored human rights issues in Guatemala closely, particularly the increasing attacks against human rights defenders and the forced evictions of indigenous communities from their land. In June the EU Delegation and the Member States' Embassies organised the Human Rights Defenders' Annual Meeting to reaffirm the EU's commitment to the protection of human rights defenders and to discuss implementation of the related EU Guidelines. In September and November EU Member States participated in monitoring of both rounds of the Presidential elections.

Concerning transitional justice, as an international observer the EU Delegation attended the main hearings of the case on genocide and crimes against humanity committed by five members of the army, today retired, during the armed conflict. This case (the first of its kind in Latin America) was supported through an EU-funded project, which provides legal assistance to victims. This case and the sentence on the "Dos Erres" massacre (conviction of three members of the army and one member of the paramilitary forces) are important steps towards strengthening the justice system in Guatemala and making progress in the process of national reconciliation.

The EU supported a project on the death penalty, which played an important advocacy role in ensuring that the Supreme Court commuted 13 death penalty judgements to imprisonment. At the end of 2011 only one person was still in death row waiting for review of sentence.

Finally, the EU continued to actively support the mandate of the International Commission Against Impunity in Guatemala (CICIG) throughout 2011, thereby recognising the CICIG's important role in dismantling clandestine groups and in promoting legislative reforms in the area of justice and security.

#### **5.7.11. Honduras**

Claims of human rights violations (especially against journalists, LGBT groups, women, human rights defenders and peasants) made by national and international human rights organisations did not cease in 2011.



Human rights continued to dominate the political agenda in bilateral relations and were at the core of the discussions with the Government of Honduras during a high-level dialogue that took place in June 2011 in Brussels. The EU is watching the situation of human rights in Honduras closely and, together with the Heads of Mission present in the country, publicly expressed in a local statement its strong condemnation and deep concern at the murders, attacks and threats against journalists and media in Honduras, with the hope that these crimes and threats would not go unpunished.

During 2011 the EU continued its support for the work of the Truth and Reconciliation Commission and its follow-up mechanism (*Unidad de seguimiento a las recomendaciones de la Comisión Verdad y Reconciliación - USICVR*), as well as for the national human rights protection and promotion system, through a programme financed by the Instrument for Stability. In addition to its continued support for Honduran civil society in the framework of the European Instrument for Democracy and Human Rights (EIDHR), in 2011 the EU also approved a new project in support of the new Ministry of Justice and Human Rights aiming at improvement of governance and human rights in Honduras, by means of consolidating the rule of law, strengthening Government institutions and creating a legal framework in this sector. It will help the Honduran Government to design and implement a National Human Rights Policy and Action Plan, and to apply recommendations on human rights issued by international organisations (particularly those accepted by the Government of Honduras during the 2010 Universal Periodic Review exercise).

Land disputes continue to result in violence; the situation in Bajo Aguan is of particular concern.

### 5.7.12. *Mexico*

In 2011 the EU maintained a constructive dialogue with Mexico on human rights, both on internal and on multilateral issues.

In March the EU and Mexico held their annual high-level dialogue on bilateral human rights issues, in Brussels. The EU expressed its concern about the difficult situation of human rights in Mexico, particularly in the context of increasing violence and the fight against organised crime. Mexico presented its progress in the reform of its criminal justice system and of military justice, as well as in setting up mechanisms for the protection of human rights defenders and journalists.

Human rights were also discussed at the 11th EU-Mexico Joint Committee. Mexico presented substantial recent developments, such as the constitutional reform that integrates international human rights standards into the internal judicial order and the Supreme Court decision to withdraw all human rights violations from military jurisdiction. Mexico and the EU agreed to pursue their cooperation on human rights, particularly through support for the implementation of the adopted reforms.

The EU Delegation and Member States' Embassies in Mexico devoted sustained efforts to the implementation of the EU's Human Rights Guidelines in 2011, especially as regards the protection of human rights defenders. They issued two local statements on critical issues and carried out fact-finding missions in the States of Baja California, Chihuahua, Coahuila, Guerrero, Nuevo Leon, Oaxaca and Tabasco.

In addition, five Members of the European Parliament (Human Rights Subcommittee) visited Mexico (Mexico City and Oaxaca) with the objective of examining the human rights situation there. The mission included meetings with the Mexican authorities, NGOs and human rights defenders, the National Human Rights Commission and the Congress. The main issues were impunity, the situation of human rights defenders and journalists, the use of the military in the fight against organised crime, and justice reform.

In 2011 the EU and Mexico coordinated closely on multilateral human rights issues. They held regular consultations, particularly in Geneva. They adopted similar positions on almost all human rights issues and situations at the Human Rights Council and at the General Assembly of the United Nations.

#### **5.7.13. *Nicaragua***

The EU's human rights and democracy agenda in Nicaragua during the year 2011 was dominated by the electoral context. A fully-fledged EU election observation mission was sent to observe the general elections that took place on 6 November. Its final report stated that democratic standards had deteriorated further and that the electoral process was far from achieving essential benchmarks for democratic elections, in particular regarding impartial and transparent management of the process by the electoral authority. Recommendations to the authorities in order to improve the whole electoral process will constitute a priority for the EU in its future dialogue with Nicaragua.

#### 5.7.14. *Paraguay*

2011 was an important year for the promotion and protection of human rights in Paraguay. In the first half of the year, it underwent, for the first time, the UN Human Rights Council Universal Periodic Review (UPR). The Government further enhanced the recently created Human Rights Network of the Executive Branch, which includes 22 institutions and ministries. In December, the Executive presented to the public a proposal for a National Human Rights Plan. The EU watched this interesting development closely and, through the European Instrument for Democracy and Human Rights (EIDHR), co-funded 4 projects worth more than € 900 000. They addressed these specific areas of action: (1) the protection of the rights of vulnerable and excluded children, (2) the promotion of access to justice for Paraguayan legal workers, (3) the promotion and protection of indigenous people's labour rights in the Chaco region, (4) support for local human rights networks to improve their dialogue with Government.

The last action also involved an institution-building component in human rights training, offered to Executive Human Rights Network staff. By the end of 2011 a new EIDHR call was launched with a budget of € 600 000. Also under the EIDHR, the "Atlas of Torture" project made a considerable contribution in supporting action to eradicate torture and ill-treatment, by assisting the government, as well as civil society organisations, in implementing the recommendations of the UN Special Rapporteur on Torture, focusing its attention on the establishment of a National Mechanism on Torture Prevention. Finally, the EU financed two actions (one for Mercosur and another focused on Paraguay) about the rights of migrants (among other themes) under the MIEUX Migration EU Xpertise program. Finally, the EU co-financed the "MEVES" project which created the first ever virtual museum of the historic memory in Paraguay to disseminate the Report of the Truth and Justice Commission about Stroessner's dictatorship (<http://www.meves.org.py/>).

### 5.7.15. *Suriname*

On May, 2011, the Republic of Suriname went through the UN Universal Periodic Review (UPR) exercise. The State received 91 recommendations during the inter-active dialogue, some of which were accepted and others were deferred, as they required further consideration on the national level. The country accepted the recommendation to “Implement the recommendations of the Human Rights Committee, by prosecuting and sentencing as appropriate the perpetrators of the extrajudicial executions of December 1982 and the Moiwana massacre in 1986”.

During 2011, the judicial proceedings opened in 2007 by the former government against today President Desiré Bouterse (since August 2010 ) and 24 others for the killing of political opponents 30 years ago (the so called "December 1982 murders" case) continued at the accustomed slow path.

### 5.7.16. *Peru*

In 2011 Peru held general elections. The EU Electoral Observation Mission, deployed for the second round of the presidential elections, concluded that the process was transparent and that the elections were held in a peaceful and orderly environment. It also stressed the impartiality and professionalism of the election administration. In discussions with Peru, the EU covered social conflicts and the process of consultation of the indigenous people in the framework of the bilateral policy dialogue. Apart from its dialogue with the government, the EU continued to maintain close links with civil society and human rights defenders. Through its external assistance, the EU provided support for the fight against poverty and social exclusion and promoted human rights, particularly those of the most vulnerable groups (women, children and indigenous people). Supporting the implementation of the recommendations of the Truth and Reconciliation Commission, the EU co-financed the "Place of Memory" project relating to the political violence of the 1980s and 1990s.

### 5.7.17. *Uruguay*

Uruguay is fully committed to the protection of human rights both at home and internationally, as exemplified by its Presidency of the UN Human Rights Council since June 2011. Nevertheless, some challenges remain. Uruguay faces a serious problem in its detention system, a combination of prison overpopulation – around 9570 inmates at the end of 2011 – and deplorable conditions within prisons. Following the official visit of the UN Special Rapporteur for Torture to the country in 2009, Uruguay requested international assistance to address the problem. In October 2011, the EU officially launched a project with the Uruguayan authorities and other donors to support the reform of the Uruguayan penal justice and prison systems, so as to improve the quality of life and social and labour reintegration of prison inmates. Other areas of concern which the EU closely monitors and supports through EIDHR projects are domestic violence, trafficking, security of citizens, and human rights.

### 5.7.18. *Venezuela*

There is unexploited potential in the relationship between the EU and Venezuela; access is difficult in some respects, and contacts with the authorities are not as frequent as desirable. In 2011, the Council Group accepted an initiative by the EEAS aiming to deepen relations. In this context, the EU regularly tries to raise human rights issues in its contacts with the Venezuelan authorities.

Through the EIDHR, the EU is financing, among others, projects aiming to foster human rights monitoring and reporting, freedom of the press, children's rights and the rights of people living with HIV/AIDS. The EU is also supporting efforts, through the UNHCR, to improve the refugee status determination process. The project has had positive results. The EU is concerned about recent legislation that might restrict the freedom of association and could limit the international cooperation funds supporting Venezuelan civil society organisations.

### 5.7.19. *Cuba*

The process of release of political prisoners, initiated in July 2010 with the mediation of the Catholic Church and Spain, was completed in March 2011. 126 political prisoners, including all of the prisoners of conscience imprisoned in 2003, were liberated. Regrettably however, many were forced to leave their country and settle abroad, against their will. While overall this freeing of prisoners constitutes a positive development, the EU remains concerned about periodical upsurges in temporary arrests and continued harassment of human rights defenders, as well as more generally the existing limitations on freedom of expression, freedom of association and freedom of assembly in the country. This message was repeatedly conveyed to the Cuban authorities.

On the other end, Cuba has a positive track record on basic economic, social and cultural rights, including through the provision of education and healthcare, and of tackling racial, gender and sexual discrimination. Cuba has also ratified 5 of the 9 main UN Human Rights conventions. It has signed but still not ratified the International Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights.

An EU-Cuba political dialogue session took place on 23 February 2011, in Brussels, at which the human rights situation in Cuba was thoroughly discussed. As with other countries, human rights remain at the centre of the EU-Cuba political dialogue. In the meantime, the reflection launched by the Foreign Affairs Council of 25 October 2010, to explore possibilities on the way forward for relations with Cuba, continued. Also in this context, the future human rights development in the country continues to be of key importance.

### 5.7.20. *Dominican Republic*

In the field of human rights, progress was noted in 2011 but problems persist. The 2010 Constitution conferred many democratic advances, some of which still need to be implemented (Ombudsman, popular legislative initiative), but it also contained some very controversial elements, in particular in terms of migration and nationality rights. In addition the Constitution forbids abortion under all circumstances - in a country with high rates of early pregnancies, rapes and gender violence.

The Dominican Republic has signed most of the relevant international conventions on human rights, and laws are generally (with exceptions) progressive. However, in reality, there are still a number of serious unresolved problems concerning gender violence, reproductive rights, police violence ("extrajudicial killings") and discrimination against Haitian migrants and their descendants. Despite a civil society landscape of varied quality, it is worth stressing the action to raise awareness taken by the organisations consistently supported by EU cooperation. The EU Human Rights Strategy adopted in 2011 will guide EU action in this respect.



### 5.7.21. *Haiti*

The EU continued to provide support for strengthening human rights in Haiti by funding three new projects under the EIDHR-CBSS programme in the domain of the protection of women's and children's rights. The EU's support for the electoral process continued in 2011 through funding under the Instrument for Stability of the OAS electoral observation mission and the dispatching of six EU electoral experts. The EU has assisted concerned EU Member States in preparing for the first Universal Periodic Review for Haiti under the UN Human Rights Council, which took place in Geneva in October 2011. Moreover, an EU human rights strategy for Haiti has been drafted and considered by relevant Council working groups with a view to its adoption. As regards strengthening Haiti's democracy, a high-level advisory project carried out by the Club de Madrid has been funded by the Instrument for Stability with the objective of fostering a more cooperative attitude among Haitian democratic institutions and identifying shared legislative objectives.

### 5.7.22. *Jamaica*

The EU continued to have regular contacts with the government on human rights-related issues, including specific contacts on follow-up to the UN Universal Periodic Review (UPR) of 2011. Meetings were also held with human rights defenders, including NGOs campaigning on general human rights issues and access to justice, as well as those supporting LGBT minorities.

Focal areas for the EU as listed in the Jamaica Human Rights Country Strategy Paper adopted in 2011 reflect priorities outlined in the UN UPR and the report of the UN Human Rights Council. These include alleged extrajudicial killings, abuses by agents of the state, imposition of the death penalty, treatment of LGBT minorities, prison conditions, and the position and treatment of women and children within Jamaican society.

EU budget support programmes target agencies providing oversight of the security services, training on human rights, and legislation on key human rights issues. The EIDHR programme also supports NGOs promoting awareness of human rights issues and assisting those suffering human rights abuses.

## **6. THE EUROPEAN PARLIAMENT'S ACTIONS ON HUMAN RIGHTS**

The advancement of human rights and democratic principles globally remains an important part of the work of the European Parliament. This priority task has many dimensions. During 2011 human rights violations were debated in plenary sessions and targeted by various Parliamentary resolutions, and committees regularly raised human rights issues in their reports. Inter-parliamentary delegations adopted new guidelines to raise human rights issues during their meetings with their interlocutors. The President of the European Parliament, Mr Jerzy Buzek, considered human rights issues an integral part of his work. Mr Edward McMillan-Scott continued to serve as the Vice President for human rights. Over the course of the year, President Buzek made more than 150 human rights-related statements and speeches. As he said in his statement on 23 November 2011 at the opening of the Sakharov Network Conference: "We in the European Parliament believe that fundamental freedoms are not only the right to life and physical integrity, but also freedom of expression, freedom of the press, freedom of religion, and freedom of thought. Without these freedoms there will only be oppression and the rule of the few."

The European Parliament also seeks to achieve the **mainstreaming of human rights** in its work, in accordance with the treaties proclaiming universal human rights and democracy as founding values of the Union and as core principles and objectives of the Union's external action. Human rights issues are debated in the Committee on Foreign Affairs (AFET) when it deals with parliamentary reports or different types of international agreements including human rights clauses. Commercial and trade agreements, including human rights clauses, are dealt with by the Committee on International Trade (INTA).

The Committee on Development (DEVE) and the Women's Rights and Gender Equality Committee (FEMM) also regularly deal with human rights aspects of EU external relations in their respective spheres of competence. The Chairs of the AFET and DEVE Committees co-chair the Election Coordination Group (ECG) that coordinates Parliament's election observation activities.

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 Constitutional Affairs Committee (AFCO) and the Legal Affairs Committee (JURI), including EU accession to the European Convention on Human Rights, which will also have consequences for EU external relations.

During 2011 Members of the European Parliament scrutinised the work of the Commission, Council and EEAS in the field of human rights in the plenary, in committees, delegations and working groups. The EU **High Representative for Common Foreign and Security Policy** addressed plenary sessions on CFSP issues, including human rights and democracy support. Representatives of the EEAS and Commission participated regularly in the meetings of the Subcommittee on Human Rights. The new permanent chair of the **Council Human Rights Working Group** (COHOM), Mr Engelbert Theuermann, participated in discussion at DROI meetings and, similarly, the Chair of DROI was invited to COHOM meetings.

Parliament also closely followed the actions taken under the European Instrument for Democracy and Human Rights (EIDHR) worldwide, one of the main instruments of the EU in the field of promoting EU values. In 2011, during the Parliament's scrutiny of the EIDHR's Annual Action Programme 2011, the EP repeatedly expressed the wish to participate more in the setting of priorities for the Instrument. A **working group on the EIDHR**, headed by the Chair of the Subcommittee, continued its work in 2011, meeting with the Commission services to discuss the Annual Action Plans, as the implementation of the instrument.

In the work of the European Parliament, human rights in the world are specifically dealt with by the Foreign Affairs Committee's **Subcommittee on Human Rights** (DROI), chaired by Ms Heidi Hautala and, as from September 2011, by Ms Barbara Lochbihler. In the post-Lisbon Treaty context the Subcommittee consolidated its close working relationships with the European External Action Service, other EU institutions and human rights NGOs.

Through in camera briefings and debriefings, the Subcommittee on Human Rights also follows the human rights dialogues and consultations conducted by the EEAS with third countries.

Extensive **monitoring of UN human rights activities** included meetings with UN Special Representatives and advisors attending meetings of DROI and AFET, including with the Special Rapporteur on Iran and the UN Secretary General's special advisor for the prevention of genocide. Human rights and democracy support issues were also on the agenda of the delegation to the United Nations General Assembly, co-chaired by AFET and DROI.

The Subcommittee on Human Rights also organised or participated in several delegation visits of its own. A DROI delegation to the UN Human Rights Council (HRC) spring session was again part of DROI's annual programme. Before the visit, Parliament adopted a resolution on the Human Rights Council and the review process that was carried out in 2011.

**The Council of Europe** was an important partner regarding many human rights issues. Cooperation took place with the Committees and Members of the parliamentary assembly (PACE). The Subcommittee on Human Rights also debated with Mr Thomas Hammarberg, Council of Europe Commissioner for Human Rights. The EU's accession to the European Convention on Human Rights has been one of the main human rights efforts of the European Parliament in 2011 and a point of shared interest between the EP and the Council of Europe. The Subcommittee also held an exchange of views with Dick Marty, Rapporteur of the Committee on Legal Affairs & Human Rights in the Parliamentary Assembly of the Council of Europe (PACE).

An exchange of views in November (arranged by AFET and DROI) with Lamberto Zannier, the OSCE Secretary General, was an opportunity to stress the importance of **OSCE** Human Dimension commitments to human rights.

In a number of own-initiative **reports adopted during 2011**, the European Parliament explored different possibilities for protecting and supporting human rights and democracy. On the basis of an own-initiative report, on 7 July 2011 Parliament adopted a resolution on **EU external policies in favour of democratisation**. The report considers that the EU's role as a "soft power" in the international system can only be consolidated if protection of human rights constitutes a real priority for it in its policy towards third countries, and offers possible solutions for a more coherent approach to democracy support in EU external policies, based on targeted strategies. Parliament also welcomed the decision by the Commission and the High Representative to support the establishment of a **European Endowment for Democracy (EED)**, as a flexible tool to support democratic change in non-democratic countries and countries in transition.

The European Parliament has been a strong and consistent supporter of the ICC. In November 2011, Parliament adopted a resolution on **EU support for the International Criminal Court**. The resolution stresses the need to enhance support for the Court through political and diplomatic action. It welcomes the revised EU Action Plan and encourages the Council Presidency together with the Commission, the EEAS and the Member States to make implementation of the Action Plan a priority.

The year 2011 was marked by historic **developments in North Africa, the Middle East and the Gulf States**. The events of the Arab spring were closely followed by the European Parliament, with an important focus on human rights and democracy. Parliament's response included hearings, delegation visits as well as an election observation mission to Tunisia. In a closely related process, the European Parliament scrutinised the review of the European Neighbourhood Policy. In April, Parliament adopted two separate resolutions, one on the Southern Dimension and another on the Eastern Dimension to provide its input to the review.

In a resolution on **the review of the European Neighbourhood Policy**, adopted on 14 December 2011, the European Parliament firmly supported the new approach presented by the Commission and the High Representative based on the principle of "more for more" and built on clearly defined criteria and assessable and regularly monitored benchmarks for each individual partner country.

In the context of **monitoring the negotiations on international agreements**, Parliament adopted recommendations on negotiations on the EU Framework Agreement with Libya and on the EU Association Agreements with Republic of Moldova, Ukraine and Georgia.

Parliament adopted a resolution on **sexual orientation and gender identity issues**, reiterating its concern regarding the numerous human rights violations and widespread discrimination based on sexual orientation and gender identity, both in the European Union and in third countries.

Parliament continued to focus attention on the role of **human rights defenders**, following up on the 2010 parliamentary report. The Subcommittee on Human Rights prepared declarations and letters in an effort to free a prominent Syrian human rights lawyer, Haytham Al-Maleh, who was finally released from prison. The European Parliament continued to pursue contacts with the Sakharov laureate and Burmese democracy leader Aun San Suu Kyi, receiving two video messages from her in 2011. The cases of Sergei Magnitsky (Russia), Ales Bialitski (Belarus) and David Kato (Uganda) were highlighted by Parliament and served as a stark reminder of the risks that courageous human rights defenders continue to face.

Work on the **European Parliament's Annual Report on Human Rights in the World and the EU's Policy on the matter**, scrutinising the role of the various European Union actors and policies in the field of human rights, started in 2011, under the rapporteurship of Mr Richard Howitt MEP.

The 2011 **Sakharov Prize for Freedom of Thought** was awarded to the "Arab Spring", personified by five activists for their contribution to the historic changes in the Arab world: Asmaa Mahfouz (Egypt), Ahmed al-Zubair Ahmed al-Sanusi (Libya), Razan Zaitouneh (Syria), Ali Farzat (Syria) and posthumously to Mohamed Bouazizi (Tunisia).

The European Parliament has awarded the Sakharov Prize for Freedom of Thought annually since 1988 to distinguished individuals who have stood up for freedom of expression, democracy, the rule of law and tolerance.

The year was also marked by the development of the **Sakharov Prize Network**, allowing the Sakharov Prize laureates to share their experience as human rights defenders and exchange best practices. Most of the former laureates participated in the high profile Sakharov Prize Network High Level Event, hosted by the President of Parliament in November 2011. The Human Rights conference and the public Sakharov Debate 2011 on the role of women in transition reached out to people engaged in the struggle for human rights around the world. The Sakharov prize laureates present were Hauwa Ibrahim, Wei Jing Sheng, Salih Mahmoud Osman, Aleksandr Milinkievic, Reporters without Borders, Zhanna Litvina (Belarus Association of Journalists), Taslima Nasrin, Salima Ghezali, Leyla Zana, Ladies in White (Damas de blanco) and Oslobodjenje. Aun San Suu Kyi sent a video message to the conference. Former Sakharov Prize laureates gave a very positive evaluation of the prize and its contribution in giving visibility and credibility to their struggle on the world stage.

The European Parliament also continued the practice of debates each month on urgent cases of breaches of human rights, democracy and the rule of law. In 2011, Parliament adopted a total of 53 human rights resolutions (see annex 1).



In April 2011, the Conference of Delegation Chairs adopted new guidelines for the European Parliament's delegations on integrating human rights concerns into the visits and meetings of all European Parliament delegations and multilateral assemblies. According to the "Specific guidelines for human rights and democracy actions of MEPs on their visits to third countries", all European Parliament delegations are encouraged to address human rights-related issues during their contacts with authorities and to meet with human rights defenders.

Other European Parliament **delegations involving the Subcommittee on Human Rights in 2011** included an ad hoc delegation to Tunisia with AFET and Parliament's standing delegation for Maghreb. A DROI delegation to Honduras and Mexico carried out an extremely intense and high profile visit to both countries. The Chair of the Subcommittee also took part in the AFET delegation visit to Central Asia, linked to the negotiations on the EU-Turkmenistan Partnership and Cooperation Agreement.

The following **hearings** were organised in 2011 in the Subcommittee on Human Rights (some of these in cooperation with other committees or delegations):

- The right to water and sanitation
- Caste-based discrimination in South Asia
- Democracy support
- Minorities and unrepresented people
- Press freedom, including protection of journalists in armed conflict situations
- International Day in support of victims of torture
- EU support for the ICC: facing challenges and overcoming difficulties
- Human Rights in South-East Asia with a focus on Indonesia

- Human Rights situation of Turkmen in Iraq
- Human Rights in China, in particular the situation of Human Rights Defenders
- Hearing on Lesbian, Gay, Bisexual, Transgender and Intersex Human Rights in the World
- Hearing on the situation of human rights in Russia and North Caucasus
- Hearing on Human Rights in Turkey in view of the upcoming Commission progress report
- Hearing on LGBT Rights and Roma in the Western Balkans
- Human Rights in China and the role of the European Union
- Hearing on the follow up to the report on Human Rights Defenders

In addition to this, various exchanges of views offered MEPs the possibility to discuss situations in different countries or various horizontal priorities with the EEAS, external experts, ambassadors and representatives of international organisations and national, regional and international NGOs.

To complement the Subcommittee's work on human rights the Parliament's policy department for external relations provides support, preparing briefing notes and other background materials or commissioning external studies. During 2011 the following studies relevant to the External Policy on Human Rights were prepared and presented in the Subcommittee on Human Rights:

- The European Union and the Review of the UN Human Rights Council
- EU Human Rights Policy towards Russia
- Workshop on Torture and Secret Detentions: the UN perspective and the role of the EU
- Effect of migration policies on human rights in the European neighbourhood
- Human rights in Eastern Partnership countries
- Human rights benchmarks for EU's external policies
- Supporting between ombudsmen in the countries of the Eastern Partnership

Parliament's standing delegations maintain a continuous relationship with countries or regional bodies. Delegation visits represent an important opportunity to directly address parliamentarians, government officials and civil society in third countries. Meetings of the Delegations in Brussels and Strasbourg are regularly attended by Ambassadors of the countries concerned, by the EEAS, NGOs and other interlocutors, and human rights issues are also a regular feature of these meetings (for example in the cases of Iran and China). The Delegation Chairs often send letters (usually to the Ambassador of the country concerned) and make statements on specific human rights abuses.

The European Parliament also engages with parliaments worldwide through its inter-parliamentary cooperation and joint parliamentary assemblies. The 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 Parliamentary Assembly of the Union for the Mediterranean, the Euro-Latin American Parliamentary Assembly and the ACP-EU Joint Parliamentary Assembly. In 2011, the Euronest Parliamentary Assembly was constituted, including a specific Committee on Political Affairs, Human Rights and Democracy and a Committee on Social Affairs, Culture, Education and Civil Society, to provide a parliamentary dimension to the EU's Eastern Partnership initiative.

The Parliamentary Assembly of the Union for the Mediterranean brings together MPs and MEPs from the EU and from Mediterranean countries belonging to the Euro-Mediterranean partnership, including Algeria, the Occupied Palestinian Territory, Egypt, Jordan, Israel, Lebanon, Morocco, Syria, Tunisia and Turkey. The 7th Parliamentary Assembly of the Union for the Mediterranean met in Rome on 3 and 4 March to discuss political events taking place in the Southern countries of the Mediterranean. The Assembly's Committee on Political Affairs, Human Rights and Security is in charge of human rights questions.

The fifth Ordinary Plenary Session of the Euro-Latin American Parliamentary Assembly took place in Montevideo, Uruguay on 18 and 19 May 2011. The Committee on Political Affairs, Security and Human Rights is the dedicated committee within the Assembly dealing with human rights.

The ACP-EU Joint Parliamentary Assembly brings together Members of the European Parliament and the elected representatives of the African, Caribbean and Pacific states ("ACP countries") that have signed the Cotonou Agreement. A substantial part of the work of the Joint Parliamentary Assembly is directed towards promoting human rights and democracy and the common values of humanity, and this has produced joint commitments undertaken within the framework of UN conferences. Concerning human rights, the 21st session in Budapest (16 to 18 May 2011) adopted a resolution on challenges for the future of democracy and respecting constitutional order in ACP and EU Countries.

The constituent meeting of the Euronest Parliamentary Assembly took place on 3 May 2011 in Brussels. It was opened by the President of the European Parliament, Jerzy Buzek, who observed that the democratic reform processes of the eastern partner countries had to be strengthened. The first Ordinary Session met on 14 and 15 September in Strasbourg, preceded by a meeting of the Assembly's four committees, including the Committee on Political Affairs, Human Rights and Democracy.

In addition to this, many inter-parliamentary meetings with important human rights dimensions took place in the course of 2011. On 11 October 2011 the Subcommittee on Human Rights, together with the Committee on Development, organised an Inter-parliamentary Committee Meeting with National Parliaments, entitled "Human Rights Conditionality in Development Policy". It was the first fully fledged inter-parliamentary meeting after the entry into force of the Treaty of Lisbon dedicated to the linkage of human rights and development. The main topics discussed between Members of the European Parliament and their national counterparts were whether human rights conditionality is an obstacle to poverty reduction and how effective it can be in a multi-donor environment.

Election observation expresses the commitment of the European Parliament to supporting developing and consolidating democracy, the rule of law and human rights. MEPs participate either in European Union Election Observation Missions (EU EOMs) or in International Election Observation Missions. In the latter case, the European Parliament delegation participates within the framework of this mission and coordinates its work with the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Parliamentary Assemblies of the Organisation for Security and Cooperation in Europe (OSCE PA), the Council of Europe and the North Atlantic Treaty Organisation (NATO PA).

The EP's Election Coordination Group (ECG) is responsible for the overall organisation of EP election observation activities. In 2011 the ECG exercised for the first time its new consultative role to the High Representative and Vice President, Catherine Ashton, in the identification and planning of EU EOMs. The ECG also played an important role in the appointment of Members of the European Parliament as EU Chief Observers during EU EOMs.

In 2011, the EP participated in the following election observation missions:

Kosovo	Parliamentary (Re-run 3 municipalities)	9.1.2011
Sudan	Referendum South	9-17.1.2011
Chad	Parliamentary	13.2.2011
Uganda	General	18.2.2011
Nigeria	Presidential	16.4.2011
Peru	Presidential	5.6.2011
Zambia	General	20.9.2011
Tunisia	Constituent Assembly	23.10.2011
Kyrgyzstan	Presidential	30.10.2011
Nicaragua	General	6.11.2011
Democratic Republic of Congo	Presidential	28.11.2011

Furthermore, given the importance of the May 2011 local elections in Albania, the European Parliament decided, on an exceptional basis, to send an ad hoc delegation to follow the electoral process around the time of the elections.

Parliaments are essential elements of a functioning democracy, and it is within a democracy that Human Rights are most likely to be respected and actively upheld. The **Office for the Promotion of Parliamentary Democracy (OPPD)** operates within the European Parliament with the aim of providing parliamentary development support in new and emerging democracies. The beneficiaries of OPPD support are parliamentary institutions in third countries, their Members and their officials. The OPPD offers institutional capacity-building, customised support programmes, peer-to-peer support and exchange of experiences and follow-up to electoral observation missions with a view to extending support for democratisation to the full electoral cycle.

During 2011, the OPPD organised a visit to the European Parliament of a large group of Egyptian political activists, representing a broad spectrum of political parties, groups and presidential candidates. Partners in the OPPD Democracy Fellowship Programme included the MERCOSUR and PARLACEN parliamentary assemblies and the Parliaments of Chile (Chamber of Deputies), Armenia, Ghana, Mauritania and Togo. The OPPD supported the Community of Democracies Parliamentary Forum by playing an active advisory role and organising a meeting in Brussels and taking part in meetings of the Forum in Tbilisi, Vilnius and Washington. In 2011 the OPPD also organised, together with the National Democratic Institute for International Affairs (NDI), a high-level meeting of the Transatlantic Dialogue on Strengthening Cooperation on Democracy Support.

With the aim of achieving better synergy and coherence in the work of different European Parliament Committees and units in the field of human rights, the **Task Force on EU Human Rights Policy**, consisting of staff from different services within the European Parliament, met regularly throughout the year.

The need and desire to further strengthen the actions of the European Parliament in the field of human rights and democracy promotion resulted in the creation of a new directorate for democracy support within the European Parliament's Directorate General for External Policies, which is due to begin its work in 2012.

## 7. LIST OF ABBREVIATIONS

AA	Association Agreement
AFCO	Constitutional Affairs Committee
AFET	Committee on Foreign Affairs
AMISOM	African Union Mission in Somalia
APRM	African Peer Review Mechanism
ASEAN	Association of Southeast Asian Nations
ASEM	Asia-Europe Meeting
ATP	Anti-Terrorism Proclamation
AU	African Union
BICI	Independent Commission of Inquiry
BiH	Bosnia and Herzegovina
CAT	Convention against Torture
CBSS	Country-Based Support Schemes under the EIDHR
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEDEAO	
CEDEF	convention internationale sur l'élimination de toutes les formes de discrimination à l'égard des femmes
CENIT	national Electoral Commission



CEPOL	
CFSP	Common Foreign Security Policy
CHT	Chittagong Hill Tracts
CICIG	International Commission Against Impunity in Guatemala
CoE	Council of Europe
COHOM	Council Human Rights Working Group
COREPER	
CPT	Committee for the Prevention of Torture
CRPD	UN 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
CVJR	Truth, Justice and Reconciliation Commission
DAS	Departamento Administrativo de Seguridad
DCFTA	Deep and Comprehensive Free Trade Area
DCI	Development Cooperation Instrument
DCI	Dialogues Facility Fund
DDPA	Durban Declaration and Programme of Action
DEVE	Committee on Development
DPRK	Democratic People's Republic of Korea
DRC	Democratic Republic of Congo
DROI	Human Rights Subcommittee of the European Parliament
EA	Electoral assistance
EaP	Eastern Partnership
EASO	European Asylum Support Office
EC	European Commission

ECCC	Extraordinary Chambers in the Courts of Cambodia
ECCC	Extraordinary Chambers in the Court of Cambodia
ECG	Election Coordination Group
ECG	Election Coordination Group
ECHR	European Convention on Human Rights
ECRI	European Commission against Racism and Intolerance
EDF	European Development Fund
EED	European Endowment for Democracy
EEM	Election expert missions
EIB	European Investment Bank
EIDHR	European Initiative for Democracy and Human Rights
EMB	electoral management bodies
EMRIP	Expert Mechanism on the Rights of Indigenous Peoples
ENI	European Neighbourhood Instrument
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood and Partnership Instrument
EOM	Election observation missions
EP	European Parliament
EPJUST	EU-Philippines Justice Support Programme
EU MS	EU Member States
EUD	EU Delegation
EUJUST LEX	Integrated Rule of Law Mission for Iraq
EUMM	EU Monitoring Mission
EUPM	EU Police Mission
EUPOL	European Union Police Mission in Afghanistan

EUPOL COPPS	European Union Police Mission for the Palestinian Territories
EURA	EU Readmission Agreement
EUREMA	EU Relocation from Malta
EURODAC	system for comparing fingerprints of asylum seekers and some categories of illegal immigrants
EUROJUST	European Union's Judicial Cooperation Unit
EUROPOL	law enforcement agency of the European Union
EUSR	EU Special Representative
EUTM	European Union military mission to contribute to the training of security forces
FAC	Foreign Affairs Council
FED	Fonds européen de développement
FEMM	Women's Rights and Gender Equality Committee
FfGE	Financing for Gender Equality
FICs	Forum Island Countries
FIDH	Fédération internationale des ligues des droits de l'Homme
FoE	freedom of expression
FoRB	freedom of thought, conscience and religion or belief
FRONTEX	EU Agency promoting, coordinating and developing European border management
FYROM	Former Yugoslav Republic of Macedonia
GAMM	Global Approach to Migration and Mobility
GCC	Gulf Cooperation Council
GCTF	Global Counter-Terrorism Forum

GNU	Government of National Unity
GoE	Government of Ethiopia
GRULAC	UN Group of Latin America and Caribbean Countries
GSP	EU's Generalised System of Preferences
HIV	Human immunodeficiency virus
HOMs	EU Heads of Missions
HR	High Representative
HR VP	High Representative Vice-President
HRC	UN Human Rights Council
HRDO	Human Rights Defender's Office
HRDs	Human Rights Defenders
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICHR	Independent Commission for Human Rights
ICT	information and communication technology
ICTY	International Criminal Tribunal for the former Yugoslavia
IDPs	Internally Displaced Persons
IHL	international humanitarian law
ILO	International Labour Organisation

IMT	International Monitoring Team
INEC	Independent National Electoral Committee
INGO	International nongovernmental organisation
INTA	Committee on International Trade
IPA	Instrument for Pre-Accession Assistance
ISAF	International Security Assistance Force
ITC-ILO	International Training Centre of the ILO
JA	Council Joint Actions
JURI	Legal Affairs Committee
JWF	Angola-EU Joint Way Forward
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
MDG	Millennium Development Goals
MENA	Middle East and North Africa
MEP	Member of the European Parliament
MERCOSUR	Common Market of the South
MFF	Multiannual Financial Framework
NDC	National Dialogue Committee
NDI	National Democratic Institute for International Affairs

NGO	Nongovernmental organisation
NSA	Non-State Actors
NSF	Somali National Security Forces
NSS	National Security Service
NTC	National Transitional Council
OAS	Organisation of American States
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organisation for Economic Cooperation and Development
OFA	Ohrid Framework Agreement
OHCHR	United Nations High Commissioner for Human Rights
OIC	Organisation of Islamic Cooperation
OMCT	Organisation Mondiale Contre la Torture
OPCAT	Optional Protocol to the Convention against Torture
OPPD	Office for the Promotion of Parliamentary Democracy
oPt	Occupied Palestinian Territory
OSCE	Organisation for Security and Cooperation in Europe
OSCE	Organisation for Security and Cooperation in Europe
OSCE PA	Parliamentary Assemblies of the Organisation for Security and Co-operation in Europe

PA	Palestinian Authority
PACE	Parliamentary Assembly of the Council of Europe
PARLACEN	Parlamento Centroamericano
PCA	Partnership and Cooperation Agreement
PCA	Partnership and Cooperation Agreement
PCNA	Post-Crisis Needs Assessment
PDO	Public Defenders Office
PMSC	private military and security companies
PSWG	Peace Support Working Group
RCCR	Royal Committee on Constitutional Review
RTG	Royal Thai Government
SAA	Stabilisation and Association Agreement
SADC	Southern African Development Community
SAF	Sudan Armed Forces
SAP	Stabilisation and Association Process
SPLA	Sudan People's Liberation Army
SPRING	Support to Partnership, Reform and Inclusive Growth Programme
SPT	UN Subcommittee on Prevention of Torture
SRT	Special Rapporteur on Torture
TAIEX	Technical Assistance and Information Exchange Instrument
TDCA	Trade Cooperation and Development Agreements
TIPNIS	Territorio Indigena Parque Natural Isiboro Sécure
US	United States of America
UAE	United Arab Emirates
UfM	Union for the Mediterranean
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan

UNAMID	United Nations-African Union Mission in Darfur
UNCAT	United Nations Convention against Torture
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNGA	United Nations General Assembly
UNGP	United Nations Guiding Principle
UNHCR	UN Refugee Agency
UNICEF	United Nations Children's Fund
UNMIS	United Nations Missions in Sudan
UNSCR	United Nations Security Council Resolution
UPR	Universal Periodic Review
USA	United States of America
USICVR	Unidad de seguimiento a las recomendaciones de la Comisión Verdad y Reconciliación
WCAR	World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance



**ANNEX 1 - PLEDGES MADE TO THE 31ST INTERNATIONAL CONFERENCE OF THE RED CROSS AND RED CRESCENT, GENEVA, 28 NOVEMBER TO 1 DECEMBER 2011.**

**For the years 2012-2015, we, the European Union and its Member States (Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom), hereby pledge:**

**1. Missing persons**

The EU and its Member States are concerned by the enforced disappearance of persons during armed conflicts and by the profound humanitarian consequences borne by families of missing persons in these circumstances.

The EU Member States therefore pledge:

- to consider ratifying the 2006 Convention for the Protection of All Persons from Enforced Disappearance ;
- to consider adopting other measures aiming at avoiding enforced disappearances, such as those included in the model law suggested by the ICRC;
- to support mechanisms to investigate effectively and resolve the cases of missing persons in several regions of the world;
- to encourage processes acknowledging the rights and needs of families of missing persons and aiming at adjusting national legislation and programmes to meet these needs.

## **2. International Criminal Court**

The EU and its Member States consider that those who have committed serious crimes of concern to the international community, including war crimes, crimes against humanity or the crime of genocide should be brought to justice.

In line with their efforts to fight impunity, the EU and its Member States pledge:

- to continue to promote the universality and preserve the integrity of the Rome Statute;
- to include the fight against impunity for the most serious crimes of international concern as one of the shared values of the EU and its partners through the insertion of provisions concerning the ICC and international justice into EU agreements with third parties;
- to continue their support to the Court, civil society and to third States interested in receiving assistance in order to become party to the Rome Statute or to implement it;

## **3. International Humanitarian Law Instruments**

The EU and its Member States are convinced that national implementation and enforcement of international humanitarian law and other relevant legal instruments which have an impact on international humanitarian law are of great importance and fall under States' responsibilities.

In line with the EU Guidelines on promoting compliance with International Humanitarian Law, the EU Member States pledge:

- to work towards further participation in the principal international humanitarian law instruments and other relevant legal instruments which have an impact on international humanitarian law by considering ratification of the following instruments 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.

In order to improve implementation of international humanitarian law at the national level the EU and its Member States pledge:

- to support States in their efforts to adopt relevant national legislation pertinent to their international humanitarian law obligations;

to support the existing international humanitarian law mechanisms and to envisage, if deemed relevant, making use of the services of the International Humanitarian Fact-Finding Commission constituted under Article 90 of Additional Protocol I.

#### **4. Promotion and dissemination of international humanitarian law**

The EU and its Member States underline that proper training in, and dissemination of, international humanitarian law is required to ensure better compliance with international humanitarian law in time of armed conflict.

In line with the EU Guidelines on promoting compliance with International Humanitarian Law and the 2007 European Consensus on Humanitarian Aid, the EU and its Member States pledge:

- to pursue their efforts in promoting dissemination and training in international humanitarian law in third countries, including in peacetime, in particular to national authorities, armed non-state actors and humanitarian actors.

The EU Member States pledge:

- to continue their efforts in promoting dissemination and training in international humanitarian law inside the EU, in particular to military and civilian personnel, involved in crisis management operations.

#### **5. Fundamental Procedural and other Guarantees**

The EU and its Member States reaffirm their determination to respect fundamental procedural guarantees for all persons detained in relation to an armed conflict as enshrined in the applicable rules of international humanitarian law and/or international human rights law.

The EU and its Member States therefore pledge to promote respect of fundamental procedural guarantees through a wide range of measures including:

- Training for staff participating in EU military and civilian crisis management operations in fundamental procedural guarantees.

- Endeavouring to ensure implementation of those standards by third parties involved in EU operations.
- Supporting dissemination and training sessions on implementation of fundamental procedural guarantees.
- Recalling the importance of respecting fundamental procedural guarantees in dialogue with other States.

## **6. Anti-Personnel Landmines, Cluster Munitions, Improvised Explosive Devices and**

### **Explosive Remnants of War**

The EU and its Member States are concerned by the threats posed by anti-personnel landmines, cluster munitions, improvised explosive devices and explosive remnants of war.

The EU Member States therefore pledge:

- to advocate as appropriate in support of international instruments seeking to address humanitarian hazards of explosive remnants of war, cluster munitions, improvised explosive devices and anti personnel landmines;
- to encourage as appropriate States Parties to the Anti-Personnel Mine Ban Convention and the Convention on Cluster Munitions to make timely reports in accordance with the relevant provisions of these treaties.

## **Joint pledge by EU Member States and National Red Cross Societies**

### 1 Strengthening international humanitarian law through the adoption of an effective Arms Trade Treaty

The European Union Member States and their National Red Cross Societies, noting the utility of the 2008 EU Common Position defining common rules governing the control of exports of military technology and equipment and related EU instruments, are concerned that the widespread availability of weapons facilitates violations of international humanitarian law, and hampers the provision of assistance to victims of armed conflict, and are convinced of the relevance of promoting and further strengthening the regulatory framework governing transfers of conventional arms.

In line with the updated EU Guidelines on promoting compliance with International Humanitarian Law and the relevant Council Conclusions, the European Union Member States, with support from their respective National Red Cross Societies, therefore pledge:

- to engage in an exchange of information, to the extent considered appropriate and pertinent by the European Union Member States, on the negotiation in 2012 of a strong and robust Arms Trade Treaty with the highest possible legally binding standards which would prevent conventional weapons from being used to violate international humanitarian law.

## **ANNEX 2 - HUMAN RIGHTS RESOLUTIONS IN 2011**

Rules of Procedure of the European Parliament EP 122 - urgency debate or resolutions

Rules of Procedure of the European Parliament EP 110-p2 - resolutions on statements

Rules of Procedure of the European Parliament EP 048 - own initiative procedure

**1. European Parliament resolution of 20 January 2011 on Pakistan, in particular the murder of Governor Salmaan Taseer**

2011/2522(RSP)

Rules of Procedure of the European Parliament EP 122

**2. European Parliament resolution of 20 January 2011 on Iran – the case of Nasrin Sotoudeh**

2011/2524(RSP)

Rules of Procedure of the European Parliament EP 122

**3. European Parliament resolution of 19 January 2011 on the situation in Haiti one year after the earthquake: humanitarian aid and reconstruction**

2010/3018(RSP)

Rules of Procedure of the European Parliament EP 110-p2

**4. European Parliament resolution of 20 January 2011 on the situation of Christians in the context of freedom of religion**

2011/2521(RSP)

Rules of Procedure of the European Parliament EP 110-p2

**5. European Parliament resolution of 20 January 2011 on Brazil: extradition of Cesare Battisti**

2011/2523(RSP)

Rules of Procedure of the European Parliament EP 122

**6. European Parliament resolution of 20 January 2011 on the situation in Belarus**

2011/2514(RSP)

Rules of Procedure of the European Parliament EP 110-p2

**7. European Parliament resolution of 17 February 2011 on Yemen: persecution of juvenile offenders, in particular the case of Muhammed Taher Thabet Samoum**

2011/2572(RSP)

Rules of Procedure of the European Parliament EP 122

**8. European Parliament resolution of 17 February 2011 on the border clashes between Thailand and Cambodia**

2011/2571(RSP)

Rules of Procedure of the European Parliament EP 122

**9. European Parliament resolution of 17 February 2011 on Uganda: the killing of David Kato**

2011/2573(RSP)

Rules of Procedure of the European Parliament EP 122

**10. European Parliament resolution of 17 February 2011 on the rule of law in Russia**

2011/2515(RSP)

Rules of Procedure of the European Parliament EP 110-p2



- 11. European Parliament resolution of 17 February 2011 on the situation in Egypt**  
2011/2555(RSP)  
Rules of Procedure of the European Parliament EP 110-p2
- 12. European Parliament resolution of 10 March 2011 on the priorities of the 16th Session of the UN Human Rights Council and the 2011 review**  
2011/2570(RSP)  
Rules of Procedure of the European Parliament EP 110-p2
- 13. European Parliament resolution of 10 March 2011 on Pakistan, in particular the murder of Shahbaz Bhatti**  
2011/2612(RSP)  
Rules of Procedure of the European Parliament EP 122
- 14. European Parliament resolution of 10 March 2011 on the Southern Neighbourhood, and Libya in particular**  
2011/2616(RSP)  
Rules of Procedure of the European Parliament EP 110-p2
- 15. European Parliament resolution of 10 March 2011 on the situation and cultural heritage in Kashgar (Xinjiang Uyghur Autonomous Region, China)**  
2011/2614(RSP)  
Rules of Procedure of the European Parliament EP 122
- 16. European Parliament resolution of 10 March 2011 on the EU's approach towards Iran**  
2010/2050(INI)  
Rules of Procedure of the European Parliament EP 048

**17. European Parliament resolution of 10 March 2011 on Belarus (in particular the cases of Ales Mikhalevic and Natalia Radina)**

2011/2613(RSP)

Rules of Procedure of the European Parliament EP 122

**18. European Parliament resolution of 7 April 2011 on Zimbabwe**

2011/2658(RSP)

Rules of Procedure of the European Parliament EP 122

**19. European Parliament resolution of 7 April 2011 on the ban of the elections for the Tibetan government in exile in Nepal**

2011/2657(RSP)

Rules of Procedure of the European Parliament EP 122

**20. European Parliament resolution of 7 April 2011 on the situation in Syria, Bahrain and Yemen**

2011/2645(RSP)

Rules of Procedure of the European Parliament EP 110-p2

**21. European Parliament resolution of 7 April 2011 on the situation in Côte d'Ivoire**

2011/2656(RSP)

Rules of Procedure of the European Parliament EP 110-p2

**22. European Parliament resolution of 7 April 2011 on the case of Ai Weiwei**

2011/2664(RSP)

Rules of Procedure of the European Parliament EP 122

**23. European Parliament resolution of 12 May 2011 on the situation in Sri Lanka**

2011/2684(RSP)

Rules of Procedure of the European Parliament EP 122

**24. European Parliament resolution of 12 May 2011 on Belarus**

2011/2686(RSP)

Rules of Procedure of the European Parliament EP 122

**25. European Parliament resolution of 12 May 2011 on Azerbaijan**

2011/2685(RSP)

Rules of Procedure of the European Parliament EP 122

**26. European Parliament resolution of 9 June 2011 on Ukraine: the cases of Yulia Tymoshenko and other members of the former government**

2011/2714(RSP)

Rules of Procedure of the European Parliament EP 122

**27. European Parliament resolution of 9 June 2011 on Sudan and South Sudan: the situation after the 2011 referendum**

2011/2717(RSP)

Rules of Procedure of the European Parliament EP 110-p2

**28. European Parliament resolution of 9 June 2011 on the EU-Russia summit**

2011/2716(RSP)

Rules of Procedure of the European Parliament EP 110-p2

**29. European Parliament resolution of 9 June 2011 on the situation in Madagascar**

2011/2712(RSP)

Rules of Procedure of the European Parliament EP 122

**30. European Parliament resolution of 9 June 2011 on Guantánamo: imminent death penalty decision**

2011/2713(RSP)

Rules of Procedure of the European Parliament EP 122

**31. European Parliament resolution of 7 July 2011 on the situation in Syria, Yemen and Bahrain in the context of the situation in the Arab world and North Africa**

2011/2756(RSP)

Rules of Procedure of the European Parliament EP 110-p2

**32. European Parliament resolution of 7 July 2011 on the preparations for the Russian State Duma elections in December 2011**

2011/2752(RSP)

Rules of Procedure of the European Parliament EP 110-p2

**33. European Parliament resolution of 7 July 2011 on Indonesia, including attacks on minorities**

2011/2748(RSP)

Rules of Procedure of the European Parliament EP 122

**34. European Parliament resolution of 7 July 2011 on India, in particular the death sentence on Davinder Pal Singh**

2011/2749(RSP)

Rules of Procedure of the European Parliament EP 122

**35. European Parliament resolution of 7 July 2011 on the Democratic Republic of Congo and the mass rapes in the province of South Kivu**

2011/2747(RSP)

Rules of Procedure of the European Parliament EP 122

**36. European Parliament resolution of 15 September 2011 on Sudan: the situation in Southern Kordofan and the eruption of fighting in Blue Nile State**

2011/2806(RSP)

Rules of Procedure of the European Parliament EP 122

- 37. European Parliament resolution of 15 September 2011 on the situation in Syria**  
2011/2812(RSP)  
Rules of Procedure of the European Parliament EP 110-p2
- 38. European Parliament resolution of 15 September 2011 on the situation in Libya**  
2011/2811(RSP)  
Rules of Procedure of the European Parliament EP 110-p2
- 39. European Parliament resolution of 15 September 2011 on Eritrea: the case of Dawit Isaak**  
2011/2807(RSP)  
Rules of Procedure of the European Parliament EP 122
- 40. European Parliament resolution of 15 September 2011 on famine in East Africa**  
2011/2814(RSP)  
Rules of Procedure of the European Parliament EP 110-p2
- 41. European Parliament resolution of 15 September 2011 on Belarus: the arrest of human rights defender Ales Bialatski**  
2011/2805(RSP)  
Rules of Procedure of the European Parliament EP 122
- 42. European Parliament resolution of 29 September 2011 on the situation in Palestine**  
2011/2828(RSP)  
Rules of Procedure of the European Parliament EP 110-p2
- 43. European Parliament resolution of 28 September 2011 on human rights, sexual orientation and gender identity at the United Nations**  
2011/2821(RSP)  
Rules of Procedure of the European Parliament EP 110-p2

- 44. European Parliament resolution of 27 October 2011 on Tibet, in particular self-immolation by nuns and monks**  
2011/2874(RSP)  
Rules of Procedure of the European Parliament EP 122
- 45. European Parliament resolution of 27 October 2011 on the situation in Egypt and Syria, in particular of Christian communities**  
2011/2881(RSP)  
Rules of Procedure of the European Parliament EP 110-p2
- 46. European Parliament resolution of 27 October 2011 on Bahrain**  
2011/2875(RSP)  
Rules of Procedure of the European Parliament EP 122
- 47. European Parliament resolution of 17 November 2011 on Egypt, in particular the case of blogger Alaa Abd El-Fattah**  
2011/2909(RSP)  
Rules of Procedure of the European Parliament EP 122
- 48. European Parliament resolution of 17 November 2011 on Iran – recent cases of human rights violations**  
2011/2908(RSP)  
Rules of Procedure of the European Parliament EP 122
- 49. European Parliament resolution of 17 November 2011 on EU support for the ICC: facing challenges and overcoming difficulties**  
2011/2109(INI)  
Rules of Procedure of the European Parliament EP 048

**50. European Parliament resolution of 15 December 2011 on Tunisia: the case of Zacharia Bouguira**

2011/2947(RSP)

Rules of Procedure of the European Parliament EP 122

**51. European Parliament resolution of 15 December 2011 on the situation of women in Afghanistan and Pakistan**

2011/2946(RSP)

Rules of Procedure of the European Parliament EP 122

**52. European Parliament resolution of 15 December 2011 on Azerbaijan, in particular the case of Rafiq Tagi**

2011/2945(RSP)

Rules of Procedure of the European Parliament EP 122

**53. European Parliament resolution of 15 December 2011 on the situation in Syria**

2011/2880(RSP)

Rules of Procedure of the European Parliament EP 110-p2

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