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**NOTE**

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Subject : Annual progress report of the implementation of the European Union's policy on human rights and democratisation in third countries

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After discussion by the Working Party on Human Rights on 29 November 2006, changes were introduced and the new version of the Annual Progress Report, set out in the Annex, was circulated and approved by silence procedure on 18 December 2006.

**Annual progress report of the implementation of the European Union's policy on human rights and democratisation in third countries**

**1. Introduction**

The Council Working Party on Human Rights (COHOM) draws up annual progress reports on the European Union's policy on human rights and democratisation in third countries. This report covers the year 2006 and concentrates on main activities of the EU in the area of human rights this year.

The Operational Programme of the Council for 2006 submitted by the Austrian and Finnish Presidencies included, for the first time, a specific paragraph on human rights. It stated, *inter alia*, that "the two Presidencies will in particular work to improve the coherence and consistency of the EU's human rights policy in its internal matters as well as in external affairs".

The progress report should be read in conjunction with the conclusions on the implementation of the EU policy on human rights and democratisation in third countries, adopted by the Council on 11 December.

**2. Mainstreaming**

The Austrian and Finnish Presidencies have attached a high priority to mainstreaming human rights into the EU's external policy. The work begun under previous Presidencies has been continued and expanded.

A joint COHOM meeting with geographical Working Parties was organised in January 2006 in the presence of the Personal Representative of the SG/HR on Human Rights, Michael Matthiessen. In June the Political and Security Committee (PSC) endorsed a paper on Mainstreaming human rights across Common Foreign and Security Policy (CFSP) and other EU policies and tasked all geographical and relevant thematic Working Parties to follow up on the recommendations (doc. 10076/06). The PSC and Political Directors discussed the matter in their July meetings.

The Austrian and Finnish Presidencies continued the practice of having a human rights discussion in relevant geographical and thematic EU Working Party meetings at least once per Presidency. Geographical Working Parties (e.g. COASI, COEST, COMEM, COMAG, COAFR) have on a regular basis discussed human rights issues. Some have developed or initiated a regional strategy, others have invited human rights NGOs to address them on topical human rights questions. The Personal Representative of the SG/HR has actively participated in these meetings.

COHOM has strengthened its cooperation with thematic Working Parties (CIVCOM, PMG, CODEV, COTER, COJUR, COARM and COSCE). For example, the COARM Chair briefed COHOM on the application of the human rights criteria of the EU Code of Conduct on Arms Exports in September. Human rights protection in counter-terrorism measures has been discussed at various COHOM meetings at the presence of, *inter alia*, the UN Special Rapporteurs on Torture and the Promotion and Protection of Human Rights while Countering Terrorism.

### **Mainstreaming human rights into ESDP**

A special focus has been placed on the mainstreaming of human rights into European Security and Defence Policy (ESDP). A draft paper on Mainstreaming of Human Rights into ESDP has been produced by the Politico-Military Working Group (PMG) on the basis of a non-paper developed by the Personal Representative of the SG/HR on Human Rights. In the document a number of concrete steps have been initiated to ensure mainstreaming of human rights into ESDP, including developing a standard field manual and training guidelines on human rights for ESDP missions. The importance of securing adequate human rights expertise in all missions has been underlined.

Work has continued to implement the UN Security Council Resolution 1325 on Women and Peace and Security in the context of ESDP. In November, the Council adopted conclusions on promoting gender equality and gender mainstreaming in crisis management and the PSC has endorsed a check list to ensure gender mainstreaming and the implementation of UNSCR 1325 in the planning and conduct of ESDP operations. The military crisis management operation "EUFOR DR Congo" was the first ESDP mission to include a gender adviser. With a view to further strengthening the integration of a gender perspective into ESDP operations a seminar was organised on gender mainstreaming for Heads of Mission of ESDP operations.

Implementation of the UN Security Council Resolution 1612 on children affected by armed conflict has been a priority. The Presidency has continued to pay close attention to children in the context of the EU's crisis management policies. The Check-list for the Integration of the Protection of Children Affected by Armed Conflict into ESDP Operations was endorsed by the PSC in June (see also paragraph on the EU Guidelines on Children and Armed Conflict).

### **3. The EU Guidelines on Human Rights**

Throughout 2006, actions to implement all the guidelines have been continued and further strengthened. The need to raise awareness of the guidelines both internally and externally has been emphasized.

#### **Human Rights Defenders**

The first review of the implementation of the EU Guidelines on Human Rights Defenders was carried out in 2006 (doc. 10111/06), with the active involvement of the EU Heads of Mission and civil society actors. In its conclusions on the review in June, the Council acknowledged the progress made towards the implementation of the guidelines but underlined the need to continue further efforts. The review addressed detailed recommendations to all concerned actors and will remain a reference document.

As a follow-up measure to the review, diplomatic and consular missions of EU Member States and Delegations of the European Commission have been encouraged to engage actively with human rights activists locally, to support their work and report on violations. In addition, the EU's concerns regarding violations of the rights of human rights defenders in various countries have been raised by, *inter alia*, demarches, declarations and meetings with third countries.

The situation of and the EU support to human rights defenders has been discussed in Council's geographical Working Party meetings (incl. COASI, COMEM, COMAG, COEST) as a way of mainstreaming human rights in all EU policies. Human rights NGOs have been invited to several Working Party sessions to address the issue.

The worldwide EU campaign to support women human rights defenders was launched in April 2006. The EU Heads of Mission in third countries were instructed to meet with women human rights activists and report back with recommendations on ways to support them, taking local circumstances into account. During the year regular contacts with local women human rights defenders have been created in various countries. The continuing character of this work has been underlined. Women human rights defenders also figured prominently on the agenda of the EU Annual Human Rights Forum, organised in Helsinki on 7-8 December 2006.

### **Children and Armed Conflict**

The endorsement of the Implementation Strategy for the Guidelines on Children and Armed Conflict (doc. 8285/05) and of the Checklist for Integration of the Protection of Children affected by Armed Conflict into ESDP Operations (doc. 9767/06) provided the EU with two additional tools for stepping up action in this priority area.

An unofficial Troika Task Force on issues related to children and armed conflict, including representatives from the different EU institutions, was created with a view to implementing the recommendations of the Strategy and the Guidelines, in close coordination with civil society. The EU HoMs in priority countries have been requested to report on the situation of children in armed conflict in identified priority countries. Future EU action on those countries will build upon their recommendations.

### **Death Penalty and Torture**

The EU continued its “countries on the cusp” campaign on countries whose policy on the death penalty is in flux and made numerous demarches and public statements against the application of the death penalty. The EU also carried out further rounds of demarches on torture in third countries. These demarches have focused amongst others on countries that are state parties to the UNCAT (UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) but have not submitted their initial reports to CAT (UN Committee Against Torture), or whose periodic reports to CAT are still pending, or who have not responded to requests by the UN Special Rapporteur on Torture to visit. The EU systematically integrated the conclusions of the UN Special Rapporteur on Torture in its dialogues with third countries.

#### **4. Human Rights Dialogues and Consultations**

COHOM made a systematic use of the overview of the EU's various human rights dialogues/consultations with third countries (for example, agreement-based, ad hoc and local in addition to the formal human rights dialogues with China, Iran and the Russian Federation), with a view to strengthening the EU's human rights action through better coordinated action.

In 2006 two rounds of dialogue was held with China; in Vienna in May and in Beijing in October. Issues discussed included reform of the criminal justice system in China and freedom of expression and religion.

Two rounds of human rights consultations were held with the Russian Federation; in March and November in Brussels. Issues discussed included the human rights situation in Chechnya, freedom of the media, and questions related to the rule of law.

Despite repeated efforts by the EU Presidencies, and following lengthy discussions and eventual agreement on revised modalities, Iran cancelled the fifth round of the EU-Iran human rights dialogue, which was scheduled to take place on 18-19 December 2006. A dialogue round with Iran has not taken place since June 2004.

In 2006 the EU troika held human rights consultations also with the US, Canada, Japan, New Zealand and the Candidate Countries focusing, in particular, on UN human rights issues.

In addition, the EU discussed human rights issues with Israel in June through an ad-hoc working group on human rights. Sub-Committee on human rights established under the Association Agreement with Morocco met for the first time in November. The EU held a human rights dialogue meeting with India in New Delhi on 12 December 2006. The Commission held a Sub-Committee on human rights with Vietnam on 27 November 2006 in Brussels under the EC-Vietnam Cooperation Agreement, and the EU held a human rights dialogue with Vietnam in Phnom Penh on 20 December 2006. Discussions on the establishment of a human rights dialogue with Uzbekistan were initiated towards the end of the year.

The growing interest of third parties in raising issues related to the human rights situation in the EU during dialogue rounds enables the EU to explain the functioning of national and regional mechanisms inside the EU and, on the other hand, invites the EU to consider how best to deal with internal human rights issues.

## **5. Action in International Human Rights Fora**

### **The United Nations**

The establishment of the Human Rights Council (HRC) in March 2006 was welcomed by the EU as an important step in the process of UN reform. With a more standing nature and a new election system where members are expected to make human rights-related pledges, the creation of the new body was seen in the context of strengthening the UN human rights machinery. The first session in June included a high level segment and discussions on the working methods as well as a debate on certain pressing issues. At its first session, the Council decided by consensus to extend all the mandates of the Special Procedures, expert advice body and complaints procedure for one year pending their review. The EU welcomed this important decision, which helped to guard against a protection gap in the Council's first transitional year.

The second session in September-October contained a successful interactive dialogue with the special procedures. The consensus decision adopted by the second session allowed the continued reporting of the Special Procedures and functioning of other mechanisms. Discussions on institution building have proceeded in inter-sessional working groups and during the third session in November-December 2006.

The Council has a broad mandate that mentions prevention and cooperation, but also addressing urgent human rights situations. During the first year three special sessions (July, August, November) related to the situation in the Middle East. For the EU it is important that the HRC address different country situations in a non-selective and objective manner, and not just concentrate on one region.

A priority for the EU has been to address the alarming human rights situation in Darfur at the HRC. A special session on Darfur was convened on 12 December 2006. The information that received during the Special Session from the UN and other organisations working on the ground was profoundly alarming. As a result a unanimous decision was taken to dispatch a high level mission to assess the human rights situation in Darfur.

The EU stepped up its outreach activity, as cooperation between countries from different regions has been determined as being among the key means of achieving an effective HRC. In this context, the role of the Personal Representative of the SG/HR on human rights has been important.

From the start of work on the creation of the HRC, the EU has aimed to ensure that this new body is equipped with the tools as well as the spirit to maintain human rights in the central role foreseen by the UN Charter. To achieve these expectations, the HRC needs to address human rights challenges in substantive terms. The EU emphasizes the HRC is still an evolving body, with its working methods not yet fully developed. The EU will continue to play an active role, in cooperation with others, so that the Council will achieve more tangible results in its future sessions. The EU urges all states and other stakeholders to demonstrate similar commitment to a strong and effective Council.

At the Third Committee of the UN General Assembly, the EU introduced resolutions on the Democratic People's Republic of Korea and Burma/Myanmar, which were both adopted, with a no-action motion being presented but rejected on the latter. The EU resolution on religious intolerance was also adopted by consensus. Other resolutions supported by the EU and adopted included the Canadian resolution on Iran and the US text on Belarus, as well as resolutions on torture and human rights protection in counter-terrorism. The US led resolution on Uzbekistan could not be debated due to a "no-action" motion.

### **Council of Europe and the OSCE**

The EU has continued its active engagement in the Council of Europe, and aimed at further strengthening relations with it. During the Austrian and Finnish Presidencies negotiations on a Memorandum of Understanding between the Council of Europe and the EU continued. The EU



strove to secure the full implementation of the decisions of the Council of Europe Warsaw Summit (2005) reaffirming the Council of Europe's core mission of promoting human rights, democracy and the rule of law.

The EU participated actively at the 2006 OSCE Human Dimension Implementation Meeting and other OSCE Human Dimension events. The EU played an active role in raising current human rights related issues at the OSCE Permanent Council. The EU lent its strong support to the work of ODIHR (OSCE Office for Democratic Institutions and Human Rights).

## **6. Other internal developments**

The 2006 EU Annual Report on Human Rights was adopted by the Council in October. It covers main developments in the EU's internal and external human rights policy from July 2005 to June 2006.

The implementation of the EU's Fundamental Rights Charter as well as the process of establishing a Fundamental Rights Agency are to be seen as steps in improving the coherence and consistency of the EU's human rights policy in its internal matters. During the year, an ad hoc working group has been convened to address i.a. issues related to fundamental rights in the EU and the establishment of the Agency. Furthermore, a list of human rights contact points in the Member States' permanent representations to the EU was established with a view to improving coordination on all human rights related EU matters.

The EU action on human rights was reinforced by the wide range of project funding available for activities in third countries through the European Initiative for Democracy and Human Rights (EIDHR) and other external assistance programmes implemented by the European Commission. The 2006 EIDHR budget of € 124.6 million has been entirely allocated and financing decisions taken as follows :

(1) Some € 30 million are being spent for local projects currently under selection by Commission Delegations in some 50 partner countries (micro-projects);

- (2) some € 14 million are targeted for 20 different contracts with various international organisations as implementation partners, such as the UN OHCHR or the Council of Europe;
- (3) some € 33 million have been committed for 15 EU Election observation Missions carried out during 2006/early 2007, and
- (4) the remaining funds have been subject of global calls for proposals, jointly with corresponding 2005 EIDHR funds, and a total of 127 macro-projects valued at € 72.6 million have been selected and are in the process of being contracted.

As the regulations for the current EIDHR instrument expire at the end of 2006, the Commission, in June 2006, made a proposal for a new European Instrument for Democracy and Human Rights for the years 2007 - 2013. In November, the Council adopted a text formulation of the regulation, negotiated with representatives of the European Parliament, to be adopted under the co-decision procedure in the first reading.

## **7. Interaction with the European Parliament and the Civil Society**

The Presidencies have held regular contacts with the European Parliament Sub-Committee on Human Rights during 2006. They have included participation in the Sub-Committee sessions and an exchange of information. MEPs and members of the EP secretariat have participated in the various seminars, forums and other events organised in the margins of the COHOM agenda. The Chairperson of the Sub-Committee addressed COHOM in November.

COHOM has maintained and developed close contacts with civil society actors including NGOs. They have been closely involved, *inter alia*, in the implementation of the EU Guidelines and in the preparation of the various dialogues and consultations.

The Annual EU Human Rights Forum, held in Helsinki on 7-8 December 2006, focused on women human rights defenders and mainstreaming of human rights into various EU policies. Discussions took place, *inter alia*, on the protection of human rights in counter-terrorism and integration of human rights aspects into crisis management operations.