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- ▶ 1 February 2005

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- ▶ 1 February 2005

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- ▶ 10 - 27 January 2005:

- ◆ 26 January 2005:
 - Statement by High Representative for Common Foreign and Security Policy - **Situation in the Middle East**
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- ▶ 24 January 2005
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- ▶ 27 January 2005

Agenda available on: http://www.europarl.eu.int/meetdocs/2004_2009/documents/OJ/553/553077/553077en.pdf (EN)

- ▶ 31 January 2005

(Calendar of meeting for the year 2005 available on :

http://www.europarl.eu.int/meetdocs/2004_2009/documents/FD/DROI_Calendar_2005_/droi_calendar_2005_en.pdf)

REGIONS:

AFRICA

◆ **Morocco**

- ▶ **Parliamentary questions – subject: Human rights - Answer given by Mr Patten on behalf of the Commission (written question: E-1668/03) (21.01.05)**

Respect for human rights is a fundamental concern of the Union in its relations with all third countries. Article 2 of the association agreements provides the Union with the basis for **developing productive dialogue and co-operation with the Mediterranean partners in the areas of human rights and fundamental freedoms and the rule of law.**

In order to structure this dialogue, on 22 May 2003 the Commission issued a Communication aimed at reinvigorating Union actions on human rights and democratisation with the Mediterranean partners, on the basis, among others, of the existing Euro-Med Association Agreements.

This Communication outlines guidelines for the best use of the instruments that are at the disposal of the Union and its Mediterranean partners to effectively implement **their common goal of the promotion of democratisation and the promotion and protection of universal human rights and fundamental freedoms.** It proposes **10 concrete recommendations to improve the dialogue between the Union and its Mediterranean partners, as well as Community's financial co-operation on human rights issues.** Its implementation will be enhanced by three levels of complementarity: between the political dialogue and financial assistance, between the MEDA programme and assistance under the European Initiative for Democracy and Human Rights (EIDHR), and finally between the national and regional dimensions.

The Communication should provide a concrete platform to engage the Mediterranean partners, such as Morocco, on a continuous and substantial dialogue on all the questions of human rights and democratisation including, if appropriate, those dealing with specific cases.

In this respect the Commission would like to reassure the Honourable Member that it is following the specific cases mentioned in his written question. **The humanitarian and human rights aspects of the Western Sahara conflict are a continuous and long-standing concern of the Commission and contacts have been established with all parties in the region on this issue. (...)**

<http://www2.europarl.eu.int/omk/OM-Europarl?PROG=WQA&L=EN&PUBREF=-//EP//TEXT+WQA+E-2003-1668-N+0+DOC+XML+V0//EN> (EN)

AMERICAS

◆ **Mexico**

- ▶ **Parliamentary questions – subject: evolution of human rights - Answer given by Mr Patten on behalf of the Commission (written question: E-3882/02) (21.01.05)**

The Commission would like to reassure the Honourable Member that **the Agreement on Economic Partnership, Political Co-ordination and Co-operation, (Global Agreement), which came into force on 1 October 2000 and which is founded on three pillars: political, co-operation and trade, includes the "democratic clause" as a central part of Union-Mexico relations. It also contains a "fulfilment of obligations" clause which enables the Union to take into account the evolution of human rights in Mexico** and the Member States as an essential part of its relations, and establishes a mechanism for the Parties to react in case of failure to comply with the objectives laid down in the Agreement.

Since the ratification of the Agreement on Economic Partnership, Political Co-ordination and Co-operation, (Global Agreement), the Commission has followed developments in Mexico even more closely because the Agreement institutionalises a process of fluent and fructiferous political dialogue, conducted through the Joint Council and Joint Committee, whereby each party can exchange information on the current situation with a view to ensuring better practice. (...)

<http://www2.europarl.eu.int/omk/OM-Europarl?PROG=WQA&L=EN&PUBREF=-//EP//TEXT+WQA+E-2002-3882-N+0+DOC+XML+V0//EN> (EN)

◆ Southeast Asia

- ▶ **Parliamentary questions - Subject: Protection of children in areas devastated by the tsunami - by Marilisa Xenogiannakopoulou to the Council (oral question H-0010/05) (17.01.05)**

Every day UNICEF and NGOs receive large numbers of accusations about cases of abuse, exploitation and disappearances of children in the areas of Southeast Asia devastated by the tsunami. The accusations concern the uncontrolled activities of gangs involved in prostitution, illegal adoptions and the trade in human organs.

What initiatives does the Council intend to take, as part of humanitarian aid and in cooperation with the UN, NGOs and the authorities of these countries, so as to provide effective aid, care and protection for children in the devastated areas and camps for the homeless?

<http://www2.europarl.eu.int/omk/OM-Europarl?PROG=QT&L=EN&PUBREF=-//EP//TEXT+QT+H-2005-0010+0+DOC+XML+V0//EN> (EN)

◆ Pakistan

- ▶ **Parliamentary questions – subject: human rights situation - Answer given by Mr Patten on behalf of the Commission (written question: E-0521/03) (21.01.05)**

The Commission and Member States Embassies in Islamabad remain seriously concerned by the human rights situation in Pakistan and continue to draw the attention of the Pakistan authorities to these issues at every appropriate opportunity.

On 7 February 2003 the Union Troika in Islamabad carried out an official démarche to the Government underlining Union concerns about a number of human rights related questions, including the situation of women in Pakistan. More specifically, the démarche emphasised that some pieces of legislation, notably the Hudood Ordinances, have an "obvious" gender-biased nature. The same applies to laws on inheritance, custody of children and rules of testimony. Individual cases were also brought to the attention of the Government. **The Union démarche also referred to practices in Pakistan that are clearly in violation of the Constitution of Pakistan, which forbids discrimination against women. Such practices include honour killings, difficult access to a fair trial and lack of respect for their legal security. The Member of the Commission in charge of External Relations also raised the matter of human rights with President Musharraf on the occasion of his visit to Islamabad last 23 May 2002.**

The Commission also addresses human rights issues through its co-operation projects in the country. Women's rights remain a cross-cutting theme in all projects undertaken by the Commission in the social sector such as health, education, water and sanitation. Thus, when choosing the projects and during their implementation, the Commission pays particular attention to gender equity, women empowerment and participation, in particular through the European Initiative for Democracy and Human Rights (EIDHR) where women's rights remain a key concern. Furthermore, **the Delegation of the Commission in Pakistan will be able in the near future to fund directly human rights micro-projects implemented by non-governmental organisations (NGOs), where women's rights will be one of the priority areas. (...)**

<http://www2.europarl.eu.int/omk/OM-Europarl?PROG=WQA&L=EN&PUBREF=-//EP//TEXT+WQA+E-2003-0521-N+0+DOC+XML+V0//EN> (EN)

◆ China

- ▶ **Parliamentary questions – subject: the situation of North Korean Refugees - Answer given by Mr Patten on behalf of the Commission (written question: E-3863/02) (21.01.05)**

The Commission is aware of the situation of North Korean Refugees in China and shares the Honourable Member's concern.

The Union has raised the issue on every possible occasion both with the Democratic Peoples Republic of Korea (DPRK) and China. In particular within the framework of the bilateral Union-China dialogue on human rights, the Union has urged China to respect international humanitarian norms

and to grant access to the Office of the High Commissioner for Refugees to assess the situation of North Koreans in the border area.

Furthermore, the Union called on China to refrain from repatriating North Koreans until satisfactory assurances could be obtained from North Korean authorities that punishments had ceased. **The treatment of North Korean refugees in China and the Union's corresponding demands have been reiterated during the last session of the Union-China bilateral Human Rights dialogue held 13/14 November 2002 in Beijing.**

The Commission will continue to monitor the situation of refugees from North Korea with particular attention and raise the issue in its contacts with the DPRK and the Chinese authorities.

<http://www2.europarl.eu.int/omk/OM-Europarl?PROG=WQA&L=EN&PUBREF=-//EP//TEXT+WQA+E-2002-3863-N+0+DOC+XML+V0//EN> (EN)

◆ Lao People's Democratic Republic

- ▶ **Parliamentary questions – subject: the 3rd Commission-Lao People's Democratic Republic (PDR) Joint Committee Meeting - Answer given by Mr Patten on behalf of the Commission (written question: E-3899/03) (21.01.05)**

The 3rd Commission-Lao People's Democratic Republic (PDR) Joint Committee Meeting was held in Vientiane, Laos, on 7 January 2004. The slight delay in the holding of the Joint Committee was purely due to scheduling difficulties.

In addition to discussions on a variety of issues falling under the scope of the Cooperation Agreement, including governance and human rights, both Parties agreed to set up an Informal Working Group on "Cooperation in the areas of institution building and administrative reform, governance and human rights". Meeting regularly, the working group will allow the Commission and the government of Lao PDR to demonstrate their commitment to implementing the Human Rights chapter of the Commission-Lao PDR Cooperation Agreement in a more proactive way.

<http://www2.europarl.eu.int/omk/OM-Europarl?PROG=WQA&L=EN&PUBREF=-//EP//TEXT+WQA+E-2003-3899-N+0+DOC+XML+V0//EN> (EN)

◆ Vietnam

- ▶ **Parliamentary questions – subject: the situation of human rights - Answer given by Mr Patten on behalf of the Commission (written question: P-3732/03) (21.01.05)**

At its meeting of 21 November 2003 in Brussels the Community-Vietnam Joint Commission agreed to **reinforce the dialogue and cooperation on human rights and related issues and established a sub-group on "Cooperation in Institution Building, Administrative Reform, Governance and Human Rights"** in accordance with Article 14(3) of the Community-Vietnam Cooperation Agreement. **The sub-group reports and makes recommendations to the Joint Commission, which will monitor progress of its work. The activities of the sub-group will consist of formal meetings and informal events (seminars, round tables, visit programmes, etc) and will be complementary to the established and recently reinforced EU-Vietnam Human Rights dialogue between the Union Troika Heads of Mission in Hanoi and the Government of Vietnam.**

The Commission reconfirms its commitment to addressing the situation of human rights in Vietnam in all political dialogue meetings with Vietnam. The Commission has raised human rights concerns during the Joint Commission meeting, amongst others by pointing to the Parliament Resolution on religious freedom of 20 November 2003. Moreover, the EU Troika ambassadors at the EU Human Rights dialogue meeting with the Government of Vietnam on 26 November 2003, have again expressed concern and raised questions about the free exercise of fundamental freedoms in Vietnam (freedom of opinion, press, religion and association), the situation of persons of concern, death penalty and torture as well as the situation of ethnic minorities. The EU Troika emphasised the importance of increased transparency, and the need for the dialogue to translate into concrete improvements on the ground. In following up on these meetings the Union will continue to monitor the situation closely, and to press for improvements in Vietnam's human rights record.

The Commission, like the Member States, believes that only a combination of dialogue and cooperation can contribute to an improvement of the human rights situation in Vietnam. These will contribute to develop greater tolerance towards dissent and acceptance of different views. Moreover, the country is in the

process of challenging social, economic and legal reform, not least in view of its intended World Trade Organisation (WTO) accession, which entails the need to develop more transparent, accountable and modern governance. This process is also an important factor for the emergence of a more open environment, where civil, political and religious rights can be improved. (...)

<http://www2.europarl.eu.int/omk/OM-Europarl?PROG=WQA&L=EN&PUBREF=-//EP//TEXT+WQA+P-2003-3732-N+0+DOC+XML+V0//EN> (EN)

EUROPE(outside of UE) and CIS

◆ North Caucasus

- ▶ **Parliamentary questions – subject: human rights abuses - Answer given by Mr Patten on behalf of the Commission (written question: E-0426/03) (21.01.05)**

The Commission is concerned at the current situation in the north Caucasus. There are continued reports of human rights abuses in Chechnya and reprisals against civilians by Russian armed forces and their Chechen allies, as well as rebels.

The Commission underlines that the implementation of shared values in the fields of democracy and human rights underpin the Union-Russia Agreement on Partnership and Cooperation and are central elements in the Union-Russia partnership. The Commission promotes respect for human rights and democracy in Russia through a number of projects that are financed under the European Initiative for Democracy and Human Rights. These activities are implemented in cooperation with civil society and international organisations. The Tacis programme is also active in this domain.

In the north Caucasus, there is a specific joint programme between the Commission and the Council of Europe to promote pluralist democracy and the rule of law.

The Commission will continue to raise the issue of respect for human rights within the framework of the Union's bilateral political dialogue with Russia. While the Commission condemns terrorism in all its forms, it will continue to press Russia to investigate all allegations of human rights abuses in a prompt, independent and impartial manner. Those responsible should be prosecuted. The Commission also hopes that Russia will permit **publication of the Council of Europe report on torture in Chechnya and allow the United Nations' rapporteurs on torture and on summary executions to report on the situation.**

The Commission regrets Russia's decision not to extend the mandate of the Organisation for Security and Cooperation in Europe (OSCE) Assistance Group. The Commission believes that it is in the interest of Russia to maintain a continued OSCE field presence in Chechnya with a meaningful mandate. It therefore supports the Dutch OSCE chairman in office's attempts to engage Russia to make progress on this matter.

<http://www2.europarl.eu.int/omk/OM-Europarl?PROG=WQA&L=EN&PUBREF=-//EP//TEXT+WQA+E-2003-0426-N+0+DOC+XML+V0//EN> (EN)

◆ Romania

- ▶ **Parliamentary questions – subject: freedom of religion - Answer given by Mr Verheugen on behalf of the Commission (written question: E-1278/03) (21.01.05)**

The Commission is aware of the allegations of discrimination against the Greek Catholic Romanian Church United with Rome raised by the Honourable Member.

Respect of human rights, including the freedom of religion, is one of the basic criteria for accession to the Union and is as such closely monitored by the Commission. The results of this monitoring exercise are published annually, and in its 2002 Report on Romania's Progress to Accession (Regular Report) the Commission concluded that:

Freedom of religion is guaranteed by the Constitution and is observed in practice. The Government does not restrict the observance of religious belief, although human rights organisations have reported cases of Orthodox clergy, sometimes working with local officials, restricting the religious activities of other churches.

There is no evidence that discriminatory actions against any religious group are systematically applied nor are part of a deliberate policy of the Romanian government. The appropriate course of action would be to use the Romanian legal system to challenge any illegal actions against church property.

At the same time the Commission is aware that the legal framework covering the return of confiscated churches is as yet incomplete and the Commission has therefore urged the Romanian authorities to introduce legislation that explicitly covers the restitution of churches. (...)

In conclusion, this is a matter that the Commission takes very seriously. **However, it is important to note that the Commission cannot judge if specific cases constitute violations of the freedom of religion. Romania is a signatory to the European Convention on Human Rights, Article 9 of which sets out basic rights concerning "freedom of thought, conscience and religion". This means that once domestic remedies have been exhausted a complaint can be addressed to the European Court on Human Rights in Strasbourg in order that it may assess these questions.**

<http://www2.europarl.eu.int/omk/OM-Europarl?PROG=WQA&L=EN&PUBREF=-//EP//TEXT+WQA+E-2003-1278-N+0+DOC+XML+V0//EN> (EN)

◆ Ukraine

- ▶ **Luc Frieden at the swearing-in ceremony of Ukrainian president Viktor Yushchenko** (23.01.05)

On 23 January the Minister for Justice and Defence, Luc Frieden, representing the Luxembourg Presidency of the European Council, attended the swearing-in ceremony of the new president of the Ukraine Viktor Yushchenko.

During talks with the Ukrainian president, Minister Frieden emphasised that "for the Luxembourg Presidency, **President Yushchenko's determination to strengthen democracy and the rule of law will re-energise relations between the European Union and Ukraine.**" In this context, the Minister underlined "the strategic importance of Ukraine to the European Union" and that he "encourages political forces in Ukraine to continue the process of political and economic transformation based on the democratic agreement that constitutes the election of 26 December 2004." (...)

<http://www.eu2005.lu/en/actualites/communiqués/2005/01/23frieden-ukr/index.html> (EN)

MAGHREB AND MIDDLE EAST

◆ Israel/ Palestine

- ▶ **Parliamentary questions – subject: respect for human rights - Answer given by Mr Patten on behalf of the Commission (written question: E-3943/03)** (21.01.05)

The Commission has taken note that the Knesset approved in July 2003 the Nationality and Entry into Israel Law (Temporary Order). In the Commission's view, this order raises issues of concern in relation to potential discrimination in the highly sensitive area of family rights. The Commission has already expressed these concerns in Israel, and is following carefully the developments relating to the practical modalities of this law. The Commission is also following carefully the observations of the United Nations Human Rights Committee and the Committee on the Elimination of Racial Discrimination on the matter. Under the Union-Israel Association Agreement, **Israeli respect for human rights constitutes an essential element of its relationship with the Union. Matters relating to human rights are discussed in the framework of the political dialogue held between the Union and Israel under the Association Agreement.**

<http://www2.europarl.eu.int/omk/OM-Europarl?PROG=WQA&L=EN&PUBREF=-//EP//TEXT+WQA+E-2003-3943-N+0+DOC+XML+V0//EN> (EN)

THEMATIC

JUSTICE AND HOME AFFAIRS

◆ Terrorism

- ▶ **Statement to the Security Council of the United Nations on the Counter-Terrorism Committee (CTC) by Mr. Marc Bichler, Deputy Permanent Representative of Luxembourg to the United Nations, on behalf of the European Union** (19.01.05)

Firstly, the development of a comprehensive strategy to fight terrorism.

At its summit meeting in Brussels in December 2004, the European Union reiterated its determination to combat the continued threat of terrorism through a comprehensive and integrated

approach, reinforcing both internal and international cooperation, in accordance with the principles on which the European Union is founded.

The European Union also reiterated its conviction that in order to be effective in the long run, the Union's response to terrorism must address the root causes of terrorism. (...)

The second aspect I would like to raise is related to due process.

The European Union is convinced that efforts to combat terrorism must respect human rights and fundamental freedoms. Counter-terrorism actions must at all times be accompanied by respect of due process and the rule of law. There can be no trade off between human rights and effective security measures; indeed the respect for human rights must remain an integral part of any global counter-terrorism strategy.

In this context, the European Union welcomes the fact that a human rights expert will be one of the main advisers of the Executive Director. We expect this expert to increase the profile of human rights and the rule of law within the CTED as well as in its contacts with other UN bodies dealing with human rights and in its outreach to the Member States.

In the same context, the European Union also welcomes the recommendation of the High-level Panel to institute a process for reviewing the cases of those claiming to have been wrongly placed or retained on the al-Qaeda and Taliban Sanctions Committee's watch-list. Such a process could also benefit the work of other Sanctions Committees. (...)

http://www.eu2005.lu/en/actualites/documents_travail/2005/01/1902-terrorisme/EU_intervention-CTC-final-EN.pdf
(EN)

◆ Justice and Home Affairs

- ▶ **Presentation by Luc Frieden and Nicolas Schmit of the priorities of the Luxembourg Presidency for "Justice and Home Affairs" to the European Parliament's Committee on Civil Liberties, Justice and Home Affairs** (18.01.05)

On 18 January 2005, Luc Frieden, Minister for Justice, and Nicolas Schmit, Minister Delegate for Foreign Affairs and Immigration, and current Presidents of the "JHA" Council of the European Union, submitted the priorities of the Luxembourg Presidency in the areas of justice, the fight against terrorism, internal security, asylum and immigration to the European Parliament's Committee on Civil Liberties, Justice and Home Affairs in Brussels.

Based on the ideas of freedom, security and justice, the priorities of the Luxembourg Presidency are very much in keeping with the "Hague Programme" adopted by the European Council on 4 and 5 November 2004. The two Luxembourg representatives emphasised that this Presidency would be above all pragmatic. (...)

In the presence of Gijs de Vries, the EU anti-terrorism coordinator, Luc Frieden stated that **this fight remained a priority of the Luxembourg Presidency and that the European Union's action to prevent terrorism had to be based on a genuine multidisciplinary approach.** (...)

With regard to freedom, the Minister Delegate for Foreign Affairs and Immigration, Nicolas Schmit, stated that the Luxembourg Presidency would be characterised by the application of the qualified majority vote in the Council and the co-decision procedure with the European Parliament to all measures relating to heading IV of the ECT aimed at strengthening freedom, except in the area of legal immigration. (...)

Regarding the external dimension of the asylum policy, he listed a number of tasks to which the Luxembourg Presidency attached great importance, such as strengthening partnerships both with countries and regions of origin and with those of transit.

The European Union's return and readmission policy will also remain on the agenda. (...)

<http://www.eu2005.lu/en/actualites/communiqués/2005/01/1803frieden-schmit-jai/index.html> (EN)

- ▶ **DAPHNE II funding programme - new dates for calls for proposals** (19.01.05)

The new deadline for the call for specific projects is 4 March 2005. For projects aiming at disseminating and using existing results, the new deadline is 1 April 2005. **DAPHNE II is an EU programme to combat violence against children, young people and women.**

http://europa.eu.int/comm/justice_home/news/intro/news_intro_en.htm (EN)

◆ Human rights

▶ EU must play key role at UN Human Rights Commission (19.01.05)

In a prelude to the 61st meeting of the UN Human Rights Commission, MEPs called on the EU to play a pioneering role there. In a draft resolution adopted in the Foreign Affairs Committee, MEPs listed some 25 countries where the human rights situation is arousing concern and on which the EU should submit resolutions to the UN Commission. (...)

Going into more detail on the human rights situation in a number of countries, MEPs highlighted "the growing number of reports about executions" in **Iran**, the public floggings, the generalised crackdown on the press and media and the widespread arrests. As regards **Iraq**, MEPs condemned "the terrorist groups for hostage-taking, executions and regular attacks on minority groups", as well as the "Iraqi Interim Government's decision to restore capital punishment". Concerning **China**, the Foreign Affairs Committee condemned arbitrary detentions, the repression in Tibet and Xinjiang and against the Falun Gong movement and any form of political opposition.

Regarding **Chechnya**, MEPs condemned "first and foremost" the massacre in Beslan, but also "the increasing number of war crimes and crimes against humanity committed by the Russian authorities against the civilian population". In **Belarus** and **Turkmenistan**, they condemned the violent repression of political activities and freedom of the press. In **Uzbekistan**, it was the outlawing of religious groups and interference with political parties which raised concern.

In the case of **Afghanistan**, the Foreign Affairs Committee recognised the need to support the newly elected government, while condemning violations of human rights and the taking and execution of hostages. For **Sudan**, MEPs welcomed the signature of the peace agreement between the Khartoum government and the Sudan People's Liberation Army, but nevertheless called on all parties to the Darfur conflict to immediately cease all violence, refrain from the forcible relocation of civilians and cooperate with international humanitarian relief and monitoring efforts.

MEPs also called for a resolution asking **the United States** for an immediate clarification of the situation of the prisoners in Guantánamo.

Parliament's recommendations for the UN Human Rights Commission will come up for debate in plenary on 23 February.

<http://www2.europarl.eu.int/omk/OM-Europarl?PROG=PRESS-NEWSRP&L=EN&PUBREF=-//EP//TEXT+PRESS+NR-20050119-1+0+DOC+XML+V0//EN#SECTION3> (EN)

▶ Contributions on the creation of a Fundamental Rights Agency (19.01.05)

Contributions from civil society, non governmental organisations, private citizens, national institutes for human rights, national parliaments, member states and accession states, international and European organisations and bodies, to the public consultation on the creation of a Fundamental Rights Agency, are available

- Civil Society, Non-Governmental Organisations, Others
- Private citizens
- National Institutes for Human Rights, Anti-discrimination or Equal opportunities
- National Parliaments
- Member States and Accessing States
- International and European Organisations and bodies

http://europa.eu.int/comm/justice_home/news/consulting_public/fundamental_rights_agency/news_contributions_fund_rights_agency_en.htm (EN)

▶ Parliamentary questions – subject: restrictions on trade in certain equipment which could be used for capital punishment - Joint answer to Written Questions E-1540/03, E-1541/03, E-1542/03 and E-1543/03 given by Mr Patten on behalf of the Commission (21.01.05)

The Commission has made a proposal for the Community to impose restrictions on trade in certain equipment which could be used for capital punishment, torture or other cruel, degrading or inhuman treatment or punishment. (...)

The proposal reflects the Union's strong opposition to the application of the death penalty and the use of torture and other cruel, inhuman or degrading treatment or punishment. The Union adopted policy guidelines in 1998 and 2001. Furthermore, the Union has supported international conventions, treaties and mechanisms addressing these issues. Moreover, the proposal responds to the resolutions on torture adopted by the United Nations (UN) Commission on Human Rights (including at this year's 59th session) which call, "inter alia", for UN Member States to take action, including legislative measures, to prevent and prohibit the export of equipment designed to inflict torture or other cruel, inhuman or degrading treatment. **The UN Special rapporteur on torture, Mr Theo van Boven**, highlighted the Commission proposal in his recent report on this subject.

A study entitled "Crowd Control Technologies" (June 2000), which was carried out for the Parliament, gives some insight into the production of and trade in some of the equipment and products included in the annexes to this proposal.

The Guidelines to the Union's Policy toward third countries, on torture and other cruel, inhuman or degrading treatment or punishment, foresee that measures to prevent the use and production of the equipment concerned should also be taken. However, unlike the trade restrictions, such measures do not fall under the exclusive competence of the Community granted by Article 133 of the EC Treaty. For the time being, the Commission considers that, in view of the principle of subsidiarity, measures to prevent the use and production of the equipment concerned should be taken by Member States.

Council Regulation (EC) No 150/2003 of 21 January 2003 suspending import duties on certain weapons and military equipment, provides for a suspension of import duties, if the weapons or equipment concerned are used by, or on behalf of the military forces of a Member State. Some of the equipment and products included in Annex I to the proposed Regulation, such as electric-shock belts and automatic drug injection systems designed or modified for the purpose of execution of human beings, has a CN code falling within the broader chapters of the Nomenclature included in the Annexes to Regulation (EC) No 150/2003. The Commission proposal shows, however, that the use of the equipment included in Annex I, which has no, or virtually no, practical use other than for the purpose of capital punishment or for the purpose of torture and other cruel, inhuman or degrading treatment or punishment is not in line with Union policy and relevant international legal instruments and is therefore illegal. Moreover, with the adoption of the Regulation set out in COM(2002) 770, the suspension of import duties for the materials concerned will no longer apply since their importation itself will be illegal.

<http://www2.europarl.eu.int/omk/OM-Europarl?PROG=WQA&L=EN&PUBREF=-//EP//TEXT+WQA+E-2003-1543-N+0+DOC+XML+V0//EN> (EN)

- ▶ **Javier SOLANA, EU High Representative for the CFSP, appoints a Personal Representative on Human Rights** (17.01.05)

Javier Solana, EU High Representative for the Common Foreign and Security, has decided to appoint Mr. Michael Matthiessen as his Personal Representative on Human Rights.

Mr. Matthiessen was until his appointment the Director for Civilian Crisis Management within the General Secretariat of the Council. Previously, he served in Javier Solana's Policy Unit. Before joining the General Secretariat of the Council, Mr. Matthiessen had a long career within the Danish Foreign Service.

http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/declarations/83415.pdf (EN)

- ▶ **Parliamentary questions – subject: the human rights clause in agreements of the Community with third countries - Answer given by Mr Patten on behalf of the Commission (written question: E-2903/03)** (21.01.05)

The Commission places great emphasis on **the human rights clause in agreements of the Community with third countries as a positive instrument to promote human rights and democracy**. Structured exchanges on the basis of the clause with third countries offer a more realistic way of realising the goals of the human rights' clause than the application of rigid criteria for the suspension of parts of an agreement. Nevertheless, the Commission agrees that there are circumstances when punitive measures may be required. Where such measures are eventually taken after careful assessment of the prevailing particular

situation in a country, it is important that timely consideration is given not only to the impact of the measures but also as to what conditions will govern their lifting.

Since 1996, the human rights clause has been invoked on a number of occasions, including in the case of the countries mentioned by the Honourable Member, for justifying the request for formal consultations with a third country, or suspending cooperation and imposing other sanctions. In all of these cases, the political, democratic and human rights situations in the respective country were carefully assessed. In doing so, the Commission avoided employing any "mechanistic" or "typological" approach, which would have failed to provide the necessary comprehensive appreciation of a precarious situation in third country concerned.

The Commission pursues the same approach in deciding on whether to slow down or suspend negotiations on a bilateral agreement or the signature of such an agreement, as mentioned by the Honourable Member.

<http://www2.europarl.eu.int/omk/OM-Europarl?PROG=WQA&L=EN&PUBREF=-//EP//TEXT+WQA+E-2003-2903-N+0+DOC+XML+V0//EN> (EN)

► **Parliamentary questions – subject: child sexual abuse - Answer given by Mr Vitorino on behalf of the Commission (written question: E-3222/03)** (21.01.05)

The study referred to by the Honourable Member is now available under the title "**Child Abuse and Adult Justice. A comparative study of different European Criminal Justice Systems handling of cases concerning Child Sexual Abuse**".

Concerning the Resolution of the Council inviting the Commission to have a study drawn up on missing or sexually exploited children, an action under the STOP II programme was undertaken in 2002. The first part of the project involves a study on the actual extent of the phenomenon of missing or sexually exploited children. The second part of the project aims to give an overall view on the existence, role and structure of civil society organisations in the Member States actively supporting action on missing or sexually exploited children. The third part of the project examines the legal issues arising from the involvement of civil society organisations in the Member States actively combatting the disappearance and sexual exploitation of children, in particular the issues concerning competent authorities sending confidential information to such organisations. The final report is expected by 31 March 2004.

With regard to the recommendation made at **the European Conference on Preventing and Combating Trafficking in Human Beings held in Brussels in September 2002** that a feasibility study be conducted on the establishment of a European database for missing people and reiterated by the Parliament in its resolution on the Daphne II programme, a response to this was made in the explanatory memorandum of the amended proposal of the Commission on Daphne II. This response was that, in fact, the possibility for searching missing people, and children in particular, already exists in the current Schengen Information System (SIS) (see also Article 97 of the Schengen Convention). Within the development of the second generation of the SIS, this possibility will be maintained. The Commission is therefore of the opinion that, given the current functionalities of the SIS, it is not opportune to examine the creation of an additional specific system that would merely duplicate the current system and would generate significant additional costs.

<http://www2.europarl.eu.int/omk/OM-Europarl?PROG=WQA&L=EN&PUBREF=-//EP//TEXT+WQA+E-2003-3222-N+0+DOC+XML+V0//EN> (EN)

