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- May,2,3 2007

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- May, 2,3, 2007

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- April 23, 2007

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REGIONS:

AFRICA

Nigeria

- ▶ **EU Presidency statement on the elections in Nigeria on 21 April (22/04/2007)**

The Presidency has noted with concern reports of irregularities and of the use of violence in some regions of Nigeria during the presidential and parliamentary elections yesterday (Saturday).

These incidents have given rise to concerns that not all Nigerians entitled to vote really were able to do so freely and without fear.

The Presidency will carefully examine the final report of the EU election observers as well as of the EU Embassies. The Presidency calls upon the Nigerian Government to ensure that there are no doubts about the credibility of the election results.

http://www.eu2007.de/en/News/CFSP_Statements/April/0422Nigeria.html

Sudan

- ▶ **Council appoints Mr Torben BRYLLE as new EU Special Representative for Sudan (19/04/2007)**

The Council adopted a Decision appointing Mr Torben BRYLLE (Denmark) as European Union Special Representative for Sudan as from 1 May 2007. Mr. Torben BRYLLE will replace Mr. Pekka Haavisto (Finland) who was appointed EUSR for Sudan on 18 July 2005 .

<http://www.consilium.europa.eu/showPage.ASP?lang=en>

Sudan

- ▶ **Council Conclusions on Sudan(23/04/2007)**

The Council adopted the following conclusions:

The Council remains deeply concerned about the appalling security situation in Darfur which continues to threaten the civilian population and obstructs efforts of humanitarian organisations to provide much needed assistance. Despite a decline in direct military confrontations, there has been no improvement with regard to the overall level of violence and lawlessness. The Council is particularly concerned by the recent series of unprovoked attacks against AMIS, in which nine peacekeepers were killed in the last four weeks alone, and strongly condemns the most recent incident on 14 April in which an AMIS officer was shot in El Fasher. It calls upon all parties to abide by the cease-fire agreements, to respect the neutral role of AMIS and to fully cooperate with a thorough investigation of these heinous acts. Recalling that UN Security Council Resolution 1591 determines that those impeding the peace process shall be held responsible, the Council reiterates its support for urgent consideration by the Security Council of further measures.

http://www.consilium.europa.eu/cms3_applications/applications/newsRoom/latest.ASP?lang=1&cmsid=363

Western Sahara

- ▶ **EU Presidency Statement on the discussions concerning the Western Sahara issue in the United Nations Security Council** (19/04/2007)

The Presidency of the European Union welcomes that proposals have been submitted to the United Nations by Morocco as well as the Sahrawi independence movement Frente Polisario for settling the long-stalled conflict over the Western Sahara.

Morocco had previously briefed the EU Presidency on its autonomy plan.

The European Union supports all UN efforts aimed at reaching a peaceful and mutually acceptable solution, based on the relevant UN Security Council Resolutions, of a conflict that has dragged on so long and caused grievous human suffering.

http://www.eu2007.de/en/News/CFSP_Statements/April/0419Westsahara.html

Zimbabwe

- ▶ **Council Conclusions on Zimbabwe**(23/04/2007)

The Council adopted the following conclusions:

The Council joins the UNSG and the AU in expressing strong concern at the **rapidly deteriorating human rights**, political and economic situation in Zimbabwe. The Council condemns in particular the acts of violent repression against the opposition and calls on all parties to refrain from violence. The Council welcomes the fact that the Human Rights Council has addressed the situation in Zimbabwe.

The Council urges the government of Zimbabwe to respect Africa's own commitments and approaches, in particular the NEPAD and the recently adopted African Charter on Democracy, Elections and Governance.

With a view to the potentially destabilising impact of the situation in Zimbabwe on the whole region, the Council commends the recent extra-ordinary SADC summit in Dares Salaam and the SADC initiative in resolving this crisis. It welcomes the mandate given to President Mbeki to facilitate a dialogue between the opposition and the Government, and the engagement of President Kikwete as chair of the SADC organ. The Council stands ready to support the SADC initiative, if called upon to do so. Moreover, the Council urges all parties to engage with civil society, including the churches, to conduct a broad inclusive national dialogue, which is essential to lay the basis for genuine reform and national reconciliation.

http://www.consilium.europa.eu/cms3_applications/applications/newsRoom/latest.ASP?lang=1&cmsid=363

Somalia

- ▶ **Council Conclusions on Somalia**(23/04/2007)

The Council adopted the following conclusions:

The Council recalls its ongoing concern at the situation in Somalia and stresses the importance of implementing the United Nations Security Council Resolution 1744 (2007) in order to address the political, security and humanitarian challenges faced in Somalia. The Council also welcomes the Communiqué of the International Contact Group on Somalia, dated 3 April 2007.

In particular, the Council expresses its grave concern at the escalation of the conflict, the renewed fighting in Somalia and the severe humanitarian suffering it has caused, and deeply deplores the loss of civilian life

and particularly the indiscriminate shelling of heavily populated areas of Mogadishu. The EU emphasises the obligation on all parties to comply with international humanitarian law. It also urges them to work actively to guarantee complete, unhindered and safe access for humanitarian relief work. The Council strongly urges all parties to commit to a lasting cessation of hostilities to avoid further bloodshed. It stresses the need to reach an early agreement on comprehensive and permanent ceasefire arrangements, including mechanisms for disarmament, demobilisation and reintegration.

http://www.consilium.europa.eu/cms3_applications/applications/newsRoom/latest.ASP?lang=1&cmsid=363

AMERICAS

EU-Rio Group Ministerial meeting

- ▶ EU-Rio Group Ministerial meeting (21/04/2007)

At a joint press conference following the XIIIth EU-Rio Group Ministerial Meeting, the Chairman of the Rio Group, the Dominican Foreign Minister Morales Troncoso, the EU External Affairs Commissioner Ferrero-Waldner and Federal Foreign Minister Steinmeier stated that their one-day meeting had been fruitful. The talks focused on the situation in Haiti, energy and climate issues, as well as human rights.

Support for political reforms in Haiti

“Haiti still has a long way to go in its development process,” stated Frank-Walter Steinmeier. He went on to say that the country nevertheless had every chance of achieving long-term stability and improving the quality of life of its people. The EU and the Rio Group agreed that people in Haiti needed the solidarity of the international community. However, Haiti’s Government also had to implement further reforms. The international community would continue its commitment, not least through development cooperation, stated the Minister. Benita Ferrero-Waldner pledged Haiti EU financial aid to the tune of 233 million euro until 2013.

Exchange of experiences on energy and climate issues

Energy and climate are top priorities for both the European Union and the Rio Group states. “When it comes to this issue, we will all be either winners or losers in the long term,” stressed Frank-Walter Steinmeier. Global interdependence in this sphere was evident. It was therefore crucial that the exchange of experiences be intensified, for instance on renewable energies and the promotion of energy efficiency.

http://www.eu2007.de/en/News/Press_Releases/April/0421AARiogruppe.html

Latin America

- ▶ Latin America-one of the priorities of Germany’s EU Presidency (20/04/2007).

As part of his second trip to Latin America within a year, Federal Foreign Minister Frank-Walter Steinmeier, together with EU Commissioner Benita Ferrero-Waldner and High Representative Javier Solana, was in the capital of the Dominican Republic, Santo Domingo, on 19 and 20 April to take part in meetings with Latin American regional organizations.

Successful cooperation between EU and Mercosur

"Mercosur is one of the most successful regional integration projects", stated Frank-Walter Steinmeier during the joint press conference following the meeting. The present, very successful, cooperation is to be extended and the political dialogue between the two organizations intensified, especially in international fora. Another issue discussed was the state of the association negotiations between the EU and Mercosur. Such an agreement could provide fresh impetus, primarily in the spheres of trade, research cooperation and the promotion of democracy and human rights.

Central American states (San José Group) and EU discuss energy issues

The negotiations on an Association Agreement can commence soon. "This was one of the key goals of Germany's EU Presidency", explained the Minister. The talks also focused on energy, an issue of key importance to both regions. The EU offered the San José states support in the use of renewable energies.

EU and Andean Community seek to conclude Association Agreement

Frank-Walter Steinmeier stated on behalf of the European Union that the EU has almost completed its preparations for negotiations on an Association Agreement with the Andean Community. Crucial progress could thus be made in the spheres of trade and investments, both between and within the two regions.

EU and Mexico intensify political dialogue

During the talks between the representatives of the EU and the Mexican Foreign Minister Patricia Espinosa, a wide range of topics were discussed and subsequently set out in a joint statement. In future, the two sides want to coordinate more closely in international fora on central issues, for example climate protection and energy security, protection of human rights and migration issues. During today's talks, the two sides' common interest in developing human rights was also to the fore.

http://www.eu2007.de/en/News/Press_Releases/April/0420AAlateinamerika.html

ASIA

Central Asia

► Council Conclusions on Central Asia (23/04/2007)

The Council adopted the following conclusions:

The Council welcomes the successful holding of the first EU Foreign Ministers' Troika Meeting with the five Central Asian countries: Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan, and Uzbekistan in Astana on 28 March 2007. The Council agrees that the meeting was an important further step towards the strengthening of political dialogue with the Central Asian countries. In this context, the Council commends the efforts by the EU Special Representative for Central Asia, Ambassador Pierre Morel.

The Council expresses its satisfaction at the agreement by the Foreign Ministers in Astana to intensify cooperation between the EU and the five Central Asian countries.

The Council held a first discussion on the draft EU Central Asia Strategy drawing on the results of the Astana meeting, earlier EU discussions and the views put forward by the Central Asian countries. The Council agreed to intensify within the framework of the Central Asia Strategy the Union's cooperation with Central Asian countries on an individual and regional basis, especially in the following fields: rule of law,

human rights, and democratisation; education; energy and transport; environment; trade and economic development cooperation; regional security challenges, such as border management, combating drug trafficking and organized crime. The EU will draw upon the experience of the OSCE, the UN, international financial institutions and other regional organisations and will enhance cooperation with them.

Recalling the mandate of the European Council in December 2006 the Council agreed to return to the subject in June 2007 with a view to the adoption of the Strategy by the European Council in June 2007.

http://www.consilium.europa.eu/cms3_applications/applications/newsRoom/latest.ASP?lang=1&cmsid=363

Burma / Myanmar

► Council Conclusions on Burma / Myanmar(23/04/2007).

"The Council:

Reaffirms its commitment to supporting the process of peaceful change and national reconciliation in Burma/Myanmar and renews the Common Position extending restrictive measures against Burma/Myanmar.

Expresses deep concern on the lack of tangible progress in the promised transition towards a legitimate civilian government. The Council encourages Burma/Myanmar to make progress towards national reconciliation and to involve constructively all political parties and ethnic groups in an inclusive dialogue. The Council reiterates its call for the early release of all political prisoners and calls for an end to the military campaign against civilians in conflict areas.

Continues to be concerned by serious violations of human rights, restrictions on domestic human rights organisations and international human rights institutions by the government of Burma/Myanmar.

Expresses its support for the UN Secretary General's good offices to bring about peaceful political change and welcomes ASEAN's continued efforts to encourage reform and reconciliation.

http://www.consilium.europa.eu/cms3_applications/applications/newsRoom/latest.ASP?lang=1&cmsid=363

EUROPE (OUTSIDE OF UE) AND CIS

MAGHREB AND MIDDLE EAST

Iraq

► EU Presidency statement on the attacks in Iraq (18/04/2007).

The EU Presidency was deeply shocked to learn of the new series of attacks in Iraq, which have claimed the lives of more than 150 people. It condemns the attacks in the strongest possible terms and conveys its condolences to the families of the victims. It wishes those injured a speedy recovery.

The attacks, including one in a busy market in Baghdad, have affected every area of innocent people's daily lives. Iraq's future cannot be built on these senseless murders. Only dialogue and understanding, not violence, can improve the situation and make possible a peaceful future for everyone in Iraq. The

Presidency again calls upon all groups and parties in Iraq to express their commitment to the country's peaceful and free development.

The European Union is prepared to help Iraq on its difficult path towards a pluralistic democracy. The international community has an obligation to do everything in its power to strengthen democracy in Iraq. However, effective assistance is contingent upon a secure environment and the renunciation of violence by all groups and parties.

http://www.eu2007.de/en/News/CFSP_Statements/April/0418Irak.html

Iraq

► Council Conclusions on Iraq (23/04/2007).

The Council adopted the following conclusions:

The Council reaffirms its support to a secure, stable, democratic, prosperous, and unified Iraq and reiterates its commitment to the independence, sovereignty, unity and territorial integrity of Iraq. It reiterates its support for the democratically elected Government of Iraq and for its efforts to restore public order, promote national reconciliation and rule of law, further economic reconstruction and engage Iraq's neighbouring states and the International Community.

The Council condemns in the strongest terms all forms of violence against the Iraqi population, including acts of terrorism, politically motivated or sectarian attacks, and forced displacement. It expresses its deep concern about the **humanitarian and human rights situation** in parts of Iraq, in particular the situation of internally displaced persons and of Iraqi refugees abroad and urges the government of Iraq to meet its responsibilities towards them. It notes the continued efforts of the multinational force to participate in humanitarian and reconstruction assistance in accordance with the mandate renewed by UNSCR 1723.

http://www.consilium.europa.eu/cms3_applications/applications/newsRoom/latest.ASP?lang=1&cmsid=363

THEMATIC :

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EU / UN REFORM

MISCELLANEOUS

Children's rights

- ▶ **Public Hearing at the EP on "Towards a EU Strategy for the Rights of the Child"**
(18/04/2007)

The need to properly safeguard the rights of children was discussed at a hearing in Parliament on 17 April. MEPs, international organisations and NGO's came together to consider responses to a Communication from the Commission on a long term strategy on the rights of children. The hearing was told that poverty and violence are problems children face in the EU at present. Worldwide, 10 million children a year die from preventable diseases.

Although all EU member states have ratified a UN Convention on the rights of a child and explicitly recognise their rights they are not mentioned in the EU Treaties. UK Socialist Glenys Kinnock noted that "children are no additions, have their own rights but are often powerless, voiceless, seldom consulted". The point made by several speakers was that children have rights that need to be addressed now rather than always seeing them as "the future".

Worldwide, a staggering 126 million children under the age of 17 are believed to be engaged in hazardous work with 250,000 serving as child soldiers. However, the most depressing statistic was given by Marta Santos Pais from UNICEF who said that 40% of all births are not even registered. She said that "a child who isn't registered is a non person, not a member of society. That person cannot vote, not inherit, not get married, and not get a driving licence". She also said that 40,000 child deaths a day could be prevented by low cost immunisation against disease. Violence and sexual exploitation are two other dangers that children world wide are exposed to.

In the EU children face, poverty, social exclusion violence and racism. Children currently account for a fifth of the population. The hearing was told that they have needs which are not identical to adults.

In 2006 the European Commission launched a Communication which aimed to look at the whole issue of children's rights in the EU. Franco Frattini, the Commissioner in charge of the dossier said that "children should no longer be addressees of policies but protagonists"

Some of the objectives it proposes are as follows:

creating a European Forum for children (a first meeting is scheduled for June)

a single hotline for lost or kidnapped children
support the banking sector and credit cards companies to combat the use of credit cards for sites
dedicated to child pornography,
involve children in the decision-making process,
information on children's rights in a child-friendly manner,
continue and further enhance EU's active role in international forums to promote the rights of the
child.

Among the participants were two girls from Denmark and Romania. Roberta Angelilli, from the Union of Europe for the Nations Group, is preparing a report that will reflect Parliament's opinion on the issue.

http://www.europarl.europa.eu/news/public/story_page/015-5255-107-04-16-902-20070412STO05241-2007-17-04-2007/default_en.htm

EU policy makers must acknowledge children as individuals, heed their concerns, and protect their rights.
This was the main conclusion of a public hearing held at the European Parliament on Tuesday, to help
shape an EU strategy on the rights of the child. Violence in all its forms, including bullying, child abuse, and
sexual abuse, is what worries children most, said the experts.

The meeting was co-organised by the Civil Liberties' Committee and seven other committees to help prepare Parliament's response to the Commission communication "Towards an EU strategy on the rights of the child". Representatives of EU institutions, international organisations and NGOs shared their views with MEPs.

The need to mainstream consideration of children's needs in EU policies was stressed by Civil Liberties Committee Chairman Jean-Marie Cavada (ALDE, FR) in his opening remarks. It is "important to take stock of the children's rights situation in the European Union, to take account of children's rights systematically in our policies, in our strategies and in our programmes", he said. Mr Cavada welcomed the Commission communication as a first step in the right direction, but noted that, unfortunately, "there is no specific legal basis that allows the European Union to act directly in this field"

Civil Liberties Committee rapporteur Roberta Angelilli (UEN, IT), hoped that the strategy being developed would not merely be a strategy "against", but instead would be "a positive strategy, which will affirm the fundamental positive rights of children and young people"

"Children may now systematically be considered as a self-standing concern in European Union budgets, policies, laws and programmes", said Marta Santos Pais, Director of the UNICEF Innocenti Research Centre.

Ms Santos Pais reminded the audience that "in spite of the progress made, the lives of millions of children continue to be marked by poverty", adding that even in EU Member States Bulgaria and Romania, children are twice as likely as adults to be victims of poverty.

The EU needs "a global strategy" to tackle all problems related to children, acknowledged Commission Vice-President Franco Frattini, who announced that the first European Forum on children's

rights, co-organised by the Commission and the Council Presidency, will be held on 4 June in Berlin.

Involve children in shaping decisions, within and beyond the EU

Their main concern is violence, in all its manifestations: bullying, child abuse, and sexual abuse, said Clare Feinstein of the international NGO "Save The Children", reporting on replies to an online consultation of 7-17 year-olds, that used a child-friendly version of the Commission paper. Other concerns included discrimination and social exclusion, the effects of alcohol and drugs and child poverty. Young people are aware that they can "help adults to understand issues important to children" and had even asked to be "directly involved in decision making", said Ms Feinstein, suggesting that this could be done through a child rights specialist unit set up to assist EU lawmakers on permanent basis. Young people have far too little influence on the decision making process. We are still lacking understanding their problems", the Culture Committee's shadow rapporteur, Lissy Gröner (PES, DE).

The EU also needs to take a more child-focused approach in its dealings with third countries, said Deepali Sood, speaking on behalf of the NGO Plan International. Ms Sood presented the findings of a similar online consultation of children and young people in developing countries. "I urge the EU institutions to listen to what the children have said and focus on these issues while formulating its external policies", she said. Like their EU counterparts, third country children listed concerns about poverty, sexual abuse and violence, but added others about unclean water, inadequate medical services and malnutrition. They too asked to be heard when adults take decisions.

Violence teaches contempt

Hitting a child is a sign of, and (for the child itself) a lesson in, contempt for the rights of the small and the weak, said UN expert Paulo Pinheiro. Despite commitments to protect children's rights, violence against children persists "in every region of the world", and so does acceptance of it, he said. Many types of violence – in the home or at school – are not even recognized as such. This is one of the reasons why Mr Pinheiro, in his UN report, advocates the "prohibition of all types of violence against children" by 2009 – with no exceptions. Hearing the children's voice directly is important, Mr Pinheiro added. We want to have children involved in our meetings and consultations, he said, "not as an ornament, but as a real voice".

Maja Eriksson, a member of the former Network of Experts on Fundamental rights, said that very few victims of child pornography and sexual abuse are given access to justice. She also pointed out that corporal punishment in the family is not prohibited by law in some Member States, such as Spain and Luxembourg. Christa Stolle, Secretary General of "Terre des Femmes", spoke about violence against girls, particularly about genital mutilation and honour killings. She explained that the practice is still common in many parts of the world beyond the African continent: some 19,000 women have suffered genital mutilation in Germany, she said

Teach finance to tackle poverty

It is a common misconception that child poverty only occurs in developing countries, said Executive Director of Aflatoun/Child Savings International, Jeroo Billimora. In fact, one in five children in the EU lives below the poverty line. While children at risk were manifestations of the problem, child poverty was its root, she noted, calling on the EU to make child poverty one of its priorities. In order to tackle child poverty head on, she said - and several MEPs agreed - social, but more importantly, financial education should be made part of the school curriculum in Member States. Furthermore, Ms Billimora asked for a budget for such a financial education. "We will not be creating mini-capitalists, but children who have actually got freedom from the cycle of poverty and do not need the aid of the state", she concluded.

http://www.europarl.europa.eu/news/expert/infopress_page/016-5340-107-04-16-902-20070416IPR05295-17-04-2007-2007-false/default_en.htm

CIA Flights

- ▶ MEPs in US Congress to debate CIA renditions and counter-terrorism measures
(18/04/2007)

Nine MEPs took part in the first formal joint briefing for members of two US Congress subcommittees on Tuesday to discuss CIA renditions and other counter-terrorism measures with transatlantic implications. "We were delighted that Congress took this initiative and encouraged by the robust support and thanks voiced by Congressmen for Parliament's report and for the year-long work that its committee on CIA renditions had undertaken" said EP Delegation Chairman Jonathan Evans (EPP-ED, UK).

International organisations subcommittee Chairman William Delahunt (Democrat, Massachusetts) introduced the hearing by advocating stronger transatlantic co-operation. "In the wake of the terrific attacks in 9/11, I remember a headline in Le Monde claiming: 'Today we are all Americans'. Sadly that support has eroded drastically. Our government accountability office has concluded that these trends of opinion against the USA have profound negative consequences for the Americans", he said, adding that "this is the result of other unnecessary excesses of Bush administration practice, like the so-called 'extraordinary renditions'".

Mr Evans felt that revelations about extraordinary rendition had had a highly detrimental impact upon wider transatlantic relations. "Debates concerning the legality of detentions and other activities in Guantanamo, coupled with the well-publicised instances of abuses in military prisons, have already served to create an adverse climate in which our constituents both in Europe and the US view renditions as yet further evidence of an abuse of the due process of law", he said.

Mr Evans also noted that "opinion polling by an American university last year found that fully 66% of respondents from Britain considered it likely that those who were participants in the rendition had been subjected to torture, a figure which rose to 76% in Germany and 78% in the United States", and "Among US correspondents, there was two to one majority in favour of the proposition that those suspected of terrorism should be entitled to rights of due process—although 10% of US respondents were prepared to waive these rights if the suspects were not US citizens".

Sarah Ludford (ALDE, UK), representing the European Parliament's temporary committee on CIA renditions, commented that "some people made the charge of anti-Americanism, implying that it was somehow disloyal to call into question the methods that our primary ally employed to fight terrorism. My response is that the scope of the challenge is to specific policies of the present administration, not to America in general, nor the American people".

Temporary committee rapporteur Claudio Fava (PES, IT) welcomed the opportunity to address Congressmen, pointing out that: "Congress is the first national parliament to ask us to come and brief it on our work on extraordinary renditions". He explained that the committee's work had elucidated over 19 rendition cases of rendition, including those of Italian cleric Abu Omar and a Canadian citizen of Syrian origin, Maher Arar. He felt these two examples showed that "renditions are usually not only dangerous, but useless". Mr Fava applauded the support voiced by most congressman for the thrust and content of the European Parliament report on CIA renditions. "The debate has been a fruitful one, showing that most congressmen don't approve of the intelligence activities undertaken by the US Administration", he said.

Democratic control

Mr Delahunt completely agreed with MEPs on the need for better oversight of national anti-terrorism policies by Congress and European Parliament. "Congress has a right to ensure that our laws and values are respected by all administrations, Democratic or Republican", he said.

With this in mind, Mr Evans referred to the evaluation undertaken by Congress of the Patriot Act, and added that "the instruments for transatlantic cooperation with regard to the movement of persons, the judiciary sector and exchanges of information for security purposes, should be framed within international agreements, to be negotiated under oversight of Congress and of the European Parliament, as elected representatives of US and EU citizens".

Renditions: "a useful tool"

Dana Rohrabacher, (Republican, California), a ranking minority member of the same subcommittee, gave a very different opinion on the CIA extraordinary renditions programme. "We are at war against terror", he said, defending renditions as a preventive tool against terrorism: "a few mistakes in rendering innocent suspects can well be justified if the final result is a safer country for our children. We don't take any initiative away and we should not take this tool away from the intelligence community in the middle of this battle. Renditions have been historically used and must be preserved", he said.

Ms Ludford replied that: "you can't cherry pick and press others to observe multilateral instruments in the trade and industry sectors without expecting to be pressed to respect human rights conventions, like the torture convention or the international convention on civil and political rights. The world needs US leadership in upholding those vital legal instruments too"

http://www.europarl.europa.eu/news/expert/infopress_page/019-5341-106-04-16-902-20070416IPR05299-16-04-2007-2007-false/default_en.htm

Racism and Xenophobia

► **EU: Common Criminal Provisions against Racism and Xenophobia** (20/04/2007)

The Council of EU Justice Ministers in Brussels today achieved political agreement on a Framework Decision on combating racism and xenophobia. This allowed the negotiations at the European level, underway since 2001, to be successfully concluded under the German EU Presidency. "Europe is determined to forcefully defend its common values and to rigorously punish those who treat these values with contempt for humanity. In the future, there will be binding minimum harmonisation throughout Europe of the provisions on criminal liability for disseminating racist and xenophobic statements. Public incitement to violence and hatred, as well as the denial or gross trivialisation of genocide out of racist or xenophobic motives, will be sanctioned across Europe. With this, we are sending a clear signal against racism and intolerance," stressed Brigitte Zypries, Chair of the EU Council of Justice Ministers.

Some Member States have entered a parliamentary reservation in order to involve their national parliaments.

1. Substantive content

The Framework Decision provides for minimum harmonisation of the criminal provisions to combat racism and xenophobia. The focus is on the prohibition of public incitement to violence and hatred against persons of a different race, colour, religion, or national or ethnic descent. This prohibition is the common prerequisite for imposing criminal liability for any conduct of this sort. However, the Framework Decision does not prohibit specific symbols per se, such as swastikas.

► Racist or xenophobic agitation

Public incitement to violence and hatred for reasons of racism or xenophobia will be criminalised.

Example: In a public assembly there is incitement to assault persons of a particular colour, to devastate shops of a certain ethnic group, to provoke fights at meeting places of a particular population group, or references are made to persons of particular ethnic descent as “parasites” who need to be “eliminated.”

The dissemination of writings with such content will be prohibited as well.

The provisions of the Framework Decision do not apply directly; rather, Member States must implement them into their national law. In order to address the tension that exists between this prohibition and freedom of expression, the Member States will be permitted to make criminal liability dependent upon whether the incitement or statements simultaneously amount to threats, verbal abuse or insults, or whether the conduct in question is apt to disturb the public peace.

The maximum penalty for such conduct is to be at least one to three years in prison.

► Public approval, denial or gross trivialisation of genocide, crimes against humanity and war crimes if this amounts to racist or xenophobic agitation

Public approval, denial or gross trivialisation of genocide, crimes against humanity and war crimes will be criminalised if the crime is directed against a group of persons because of their race, colour, religion, descent or national or ethnic origin.

In implementing this provision of the Framework Decision, Member States are compelled to criminalise cases where public approval, denial or gross trivialisation simultaneously amounts to racist or xenophobic agitation.

Example: Somebody publicly claims that an act of genocide, the commission of which has been established as a fact by an international court, never happened and was invented by the ethnic group concerned solely for the purpose of being able to claim compensation payments. This allegation would not only deny the genocide committed against the ethnic group concerned, but would also incite hatred against this group. In the future, all Member States would be compelled to criminalise such a case.

Member States are at liberty to go beyond this and criminalise the denial, approval or gross trivialisation of such facts even if, in a given case, the expression does not directly incite hatred and violence against the affected population group.

In this way, a compromise was reached between those states which have no criminal provision on the public approval, denial or gross trivialisation of genocide and are reluctant to adopt such a provision in general form, and those states whose law already contains such criminal offences and who wish to go beyond this in sanctioning them.

Moreover, the Framework Decision does not identify any specific historical events as incidents of genocide, crimes against humanity or war crimes; rather, it creates abstract offence elements. What constitutes genocide, a crime against humanity or a war crime is determined by the definitions contained in the Statute of the International Criminal Court (“Rome Statute”) and the Charter of the International Military Tribunal of 1945 (Nuremberg Tribunal).

Whether a specific historical crime falls within these definitions must be decided in each concrete case by the court which has jurisdiction. In the case of the Holocaust, for example, this was done by the Nuremberg Tribunal.

Pursuant to the Draft, Member States also have the possibility to make criminal liability dependent upon the determination by a national or international court that a concrete historical event constituted genocide, a crime against humanity, or a war crime.

The maximum penalty for approval, denial or gross trivialisation of genocide, crimes against humanity and war crimes will also be at least one to three years in prison.

► Racist and xenophobic motives are to be considered aggravating factors in other criminal offences

The Framework Decision provides that racist or xenophobic motives are to be considered an aggravating factor in other criminal offences (e.g., bodily injury) and that such motives may be taken into consideration by the courts in fixing the penalty.

Example: Right-wing extremist hooligans beat up a dark-skinned man because they think he is a foreigner. In such a case, their xenophobic attitude would have to be taken into account as an aggravating factor.

► No criminal complaint necessary

Pursuant to the Framework Decision, criminal prosecution authorities must ex officio initiate an investigation into the offences listed in the Framework Decision. The injured party need not file a criminal complaint.

► Protecting the right to freedom of expression

The Framework Decision contains various provisions which take into consideration the special tensions that exist between the prohibition and the right to freedom of expression.

Firstly, it stipulates that the Framework Decision does not affect the duty of the Member States to respect fundamental rights and general principles of law, and in this context specifically refers to the right to freedom of expression.

Secondly, the Framework Decision allows Member States to make criminalisation dependent on a threshold of significance. They can choose to limit criminal liability to cases where the conduct in question simultaneously amounts to a threat, verbal abuse or insult, or where the conduct in question is apt to disturb the public peace. In this way, it guarantees the Member States the necessary flexibility to maintain their established constitutional traditions.

2. Further procedure:

Since important amendments have been made to the Framework Decision subsequent to the original proposal of the EU Commission, which was drawn up with the involvement of the European Parliament in 2002, the European Parliament must again be consulted. The Council will subsequently assess the European Parliament's observations before formally adopting the Framework Decision.

http://www.eu2007.de/en/News/Press_Releases/April/0420BMJRassismus.html

Allocation of funds to promote fundamental rights and democratic participation

- ▶ The European Union allocates € 93,8 millions to promote fundamental rights and democratic participation over the period 2007-2013. (20/04/2007)

The financial instrument Fundamental Rights and Citizenship under new Financial Perspectives 2007-2013 has received the Council's final green-light.

Vice-President Franco Frattini, EU Commissioner responsible for Justice, Freedom and Security, welcomed the Council decision: "*The adoption of the programme Fundamental Rights and Citizenship will strengthen the EU action in this field. Thanks to this programme, national authorities and civil society will benefit of the concrete commitment of the European Union for promoting the respect and enhancing the protection of fundamental rights*".

The financial instrument Fundamental Rights and Citizenship aims at supporting respect for fundamental rights and at encouraging citizens' participation in the democratic life of the European Union. It fosters civil society and bolsters an open and transparent dialogue between stakeholders. Projects financed under this instrument will also promote tolerance and a better intercultural understanding throughout Europe, fighting racism, xenophobia and anti-Semitism. The types of actions that can be supported by this programme are:

- Specific actions taken by the Commission,
- Transnational projects presented by public authorities, international organisations or NGOs, involving at least two Member States or one Member State and an acceding or candidate Country,
- Activities of NGOs or other entities with a general European interest in accordance with the objectives of the programme.

The programme also provides for operating grants to co-finance the permanent work programme of the Conference of the European Constitutional Courts and of the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union.

All Member States, the acceding and candidate countries and the Western Balkans countries included in the stabilisation and association process are taking part in the programme.

The programme is open to institutions and public or private organisations established in a participating country. It also provides for joint activities with international organisations dealing with fundamental rights, such as the Council of Europe.

The budget available for this specific programme is 93,8 million Euro for 2007-2013.

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/527&format=HTML&aged=0&language=EN&guiLanguage=en>