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Subject : Council Conclusions on the implementation of the EU policy on human rights and democratisation in third countries

At its meeting on 11 December 2006, the General Affairs and External Relations Council, adopted the Conclusions set out in the Annex to this note.

Council conclusions on the implementation of the EU policy on human rights and democratisation in third countries

1. The Council has continued to implement the EU policy on human rights and democratisation in third countries. Human rights remain a priority field in the Council's actions and human rights and democratisation will be kept on the agenda of the Council.
2. The Council commends the crucial work of human rights defenders worldwide. This year, the EU has emphasised the essential role of women human rights defenders, and has actively supported their work. As underscored by the Council in June, the EU is committed to continuing its actions in support of all human rights activists who - often at the risk of their own lives - take action to defend others. In this respect, the EU has noted with concern some negative developments and a visible trend in some countries aimed at limiting free civil society activities.
3. The Council remains deeply committed to the promotion and protection of the rights of children affected by armed conflicts. The implementation of the EU Guidelines and Strategy on Children and Armed Conflict as well as of the checklist for the integration of the protection of children affected by armed conflict into all ESDP operations will be continued and strengthened.
4. The Council reiterates its firm opposition to the death penalty in all cases. It welcomes the fact that in 2006 several states decided to abolish the death penalty, but at the same time deplores the wide use of it in some other countries. The EU will continue its efforts to encourage retentionist countries to abolish capital punishment. The EU will continue to raise this issue in all relevant fora. In this regard, the EU supports the organisation of the third World Congress against the Death Penalty in February 2007.

5. The Council reaffirms its commitment to the prevention and eradication of all forms of torture and ill-treatment within the EU and world-wide. The EU is campaigning to promote the global instruments for the prevention of torture, and encouraging full participation and cooperation of states with the relevant mechanisms. The EU will continue to address both specific cases and more structural aspects with a view to preventing and eradicating torture.

6. The EU remains firmly committed to the absolute prohibition of torture, cruel, inhuman or degrading treatment and punishment. It guides our own actions and we raise our concerns with third countries. In this context, the Council reiterates that human rights, refugee law and international humanitarian law have to be respected and maintained when combating terrorism. The Council will continue to follow closely developments with regard to human rights in combating terrorism and take adequate measures for their protection. The existence of secret detention facilities where detained persons are kept in a legal vacuum is not in conformity with international humanitarian and human rights law.

7. The Council welcomes the progress made in mainstreaming of human rights into all EU policies. The Council underlines the importance of taking human rights aspects into consideration in all relevant geographical and thematic policies of the EU and stresses the continuing character of this work. The Council commends in this regard the work done by the Personal Representative of the SG/HR for Human Rights. The EU will actively and regularly convey its position on this issue in a coherent manner in relevant contacts with third countries. In this context, the Council welcomes the adoption of best practises for the interpretation of the human rights criteria of the EU Code of Conduct on Arms Exports and underlines the need for practical implementation of the criteria.

8. The Council emphasizes the need to take practical measures to strengthen the human rights perspective in the ESDP and welcomes efforts made in this direction. Those include developing a standard field manual on human rights for ESDP missions and ensuring the inclusion of human rights expertise both in the planning and in the implementation of ESDP operations. The Council underlines the need to continue the active implementation in the EU of UN Security Council Resolution 1325 on Women and Peace and Security and reiterates its commitment expressed in November on promoting gender equality and gender mainstreaming in crisis management.

9. The Council reaffirms its commitment to improving the coherence and consistency of the EU's human rights policy in its internal matters as well as in external affairs. The EU's Fundamental Rights Charter as well as the establishment of a Fundamental Rights Agency are to be seen as important steps in this context. The importance of the EU's cooperation with regional and international organisations, such as the Council of Europe, the OSCE and the OHCHR, is underlined.

10. The Council reaffirms the importance it attaches to dialogue as a key tool in promoting human rights worldwide. Apart from the specific human rights dialogues and consultations, the various agreement-based, ad hoc and local human rights dialogues that the EU has with third countries are an important channel to promote the EU's objectives in the area of human rights, rule of law and democracy. The Council welcomes the efforts made to include all relevant human rights issues on the agendas of the Article 8 dialogue meetings. The Council, however, underlines that bilateral human rights dialogues do not exclude other action in the field of human rights such as raising human rights concerns through public declarations or in multilateral forums.

11. The Council continues to be deeply concerned about the deteriorating human rights situation in Iran. The Council reiterates its serious concern over the on-going harassment of human rights defenders and the treatment of religious minorities in Iran. During the past year the EU has on several occasions expressed its concerns over the freedom of association and expression, including its concern over the closure of reformist newspapers. The Council deplores the fact that, despite Iran's obligations under the UN human rights conventions, the use of the death penalty in Iran is rising, and that Iran is one of the few countries where minors are still being sentenced to death and executed. The Council welcomes the adoption of a resolution on human rights in Iran at the 61st session of the UNGA Third Committee, and expresses its hope that Iran will move swiftly to address the concerns of the international community contained in that resolution. The Council regrets that, in spite of the mutual agreement to hold a meeting of the EU-Iran Human Rights Dialogue in Helsinki on 18-19 December 2006, Iran finally decided not to engage in the dialogue with the EU. The EU remains willing to take up the dialogue with Iran.

12. The Council reaffirmed the high importance the EU attaches to its exchanges with China on human rights, including through the EU-China Human Rights Dialogue and the legal seminars. The Council welcomes progress made by China in giving effect to the economic rights of its citizens and the commitment made to reform its criminal justice system. It also appreciates the commitment made by China to fulfil its international human rights obligations and to co-operate with UN human rights mechanisms, in particular the Human Rights Council. However, the Council continues to have serious concerns about the human rights situation in China and deplores the fact that there has been very little progress in a number of areas of concern, which include freedom of expression, religion and association as well as the rights of persons belonging to minorities and the continued and extensive use of the death penalty. The EU will continue to monitor the human rights situation in China and to work for positive change through continued and improved dialogue and cooperation. The EU urges China to announce a timetable for the ratification of the ICCPR and work towards a timely ratification. A swift accession to the Rome Statute should be considered.

13. The Council welcomes the continuation of the human rights consultations with the Russian Federation. The EU, however, remains concerned about certain developments in Russia during the past year, notably in relation to the situation of human rights defenders, torture, media freedom, NGOs, impunity, respect for the rule of law as well as racism, xenophobia and intolerance. The Council deplores the recent assassinations of high-profile journalists and urges Russia to do its utmost to bring the perpetrators to justice. The Council remains deeply concerned about the human rights situation in Chechnya and will continue to pay close attention to it.

14. The Council reiterates its strong support to the mandate of the UN Human Rights Council (HRC), which was established in the context of the broader UN reform and began its work this year. The EU remains committed to working for an efficient body able to timely address the full range of human rights issues, including urgent human rights issues and situations.. In this regard, the EU reaffirms the essential role of the Special Procedures of the Human Rights Council. The EU looks forward to the HRC's work to strengthen international human rights law and its implementation. The Council underlines the need for constructive cooperation between states in order to secure a meaningful dialogue and practical and effective results and reiterates its commitment to work towards this. The EU will continue to engage actively in the development of tools and mechanisms that are needed to make the HRC an effective and constructive body. Transparency, predictability and inclusiveness allowing for the participation of all stakeholders, including NGOs and national human rights institutions, should remain the guiding principles of this institution building process.

15. The Council welcomes the convocation of a special session on Sudan/Darfur by the HRC thus proving the HRC's ability to effectively address urgent human rights situations. The Council expresses its continuing deep concern at the appalling humanitarian and human rights situation in Darfur, and calls for an immediate end to the ongoing violations of humanitarian law and human rights law by all sides, with special focus on vulnerable groups, including women and children. The Government of Sudan has a responsibility to protect its citizens against violence and guarantee respect for human rights. The Council calls on all parties to put an end to impunity by implementing relevant UN resolutions. The Council also expresses its deep concern about the recent escalation of the conflict in Sri Lanka which has led to increasing violations of human rights and international humanitarian law.

16. The Council welcomes the adoption of resolutions on several pressing issues and country situations, including the DPRK, Burma/Myanmar, Iran and Belarus at the 61st session of the UNGA Third Committee. Action on Uzbekistan was prevented by a "no action motion". The Council reiterates its strong opposition to the increasing use of no action motions and finds it of utmost importance that UN Member States be given the possibility to debate the substance of all initiatives presented. The EU also welcomes the adoption of several resolutions on important thematic issues such as the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, the protection of human rights and fundamental freedoms while countering terrorism, religious intolerance and the rights of the child. The EU further welcomes the adoption by the General Assembly of the International Convention for the protection of all persons from enforced disappearance, thus opening this new instrument for ratification.

17. The Council welcomes the efforts to complete the negotiations on the regulation of the European Instrument for Democracy and Human Rights (EIDHR) and underlines the need for the EU's continuous support for human rights and democracy work worldwide.

18. The Council further welcomes the continuation during the past year of its ongoing close cooperation with the European Parliament and civil society. The Council takes note of the recommendations of the Annual EU Human Rights Forum, held in Helsinki on 7-8 December 2006, and underlines the need to continue the existing active cooperation among the European human rights community.