



**COUNCIL OF
THE EUROPEAN UNION**



Council conclusions on Human Rights and Democratisation in third countries

*2985th FOREIGN AFFAIRS Council meeting
Brussels, 8 December 2009*

The Council adopted the following conclusions:

- "1. The Council reiterates its firm commitment to the promotion and protection of human rights. In 2009, further action has been taken to continue to implement the EU policy on human rights and democratisation in third countries. Human rights remain a priority of the Common Foreign and Security Policy. The Council reiterates the universality of human rights, as well as their indivisibility, interdependence and interrelatedness, and reaffirms its intention to continue to maintain human rights and democratisation high on its agenda.
2. The Council underlines the importance of integrating human rights aspects into all policy areas of the European Union, including all relevant geographical and thematic policies. The Council commends in this regard the work done by the Personal Representative of the SG/HR for Human Rights and by the Commission.

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3. The Council reiterates that the EU human rights guidelines remain an essential instrument for systematic action in priority areas.

The Council reiterates its firm opposition to the death penalty in all cases. It welcomes the fact that in 2009 Burundi and Togo decided to abolish the death penalty while other countries took steps toward a moratorium, underpinning the global trend towards abolition. At the same time, the Council deplores the continuing extensive use of the death penalty in some countries. The Council reaffirms its intention to continue its efforts to encourage retentionist countries to abolish capital punishment. Démarches were carried out by the EU in a significant number of countries, based on the minimum standards defined by international law and the EU Guidelines on the Death Penalty, including cases of minors, persons suffering from mental illness, stoning sentences and cases in violation of the most serious crimes principle. The Council will continue to implement the EU guidelines, including through action on individual cases of concern. The EU will continue to raise this issue in all relevant forums. The EU has raised the death penalty issue at the UN and the OSCE, and on 10 October 2009 celebrated together with the Council of Europe the third European Day Against the Death Penalty on the World Day Against the Death Penalty. The EU underlines its support for the Second Optional Protocol to the International Covenant on Civil and Political Rights on the Protocol's 20th anniversary in 2009, and will continue to encourage states to ratify it.

4. The Council commends the crucial work of human rights defenders worldwide. The EU is committed to continuing its action in support of all human rights defenders, who often act at risk of their own safety and the safety of their families. The EU will continue to implement the EU guidelines on human rights defenders, notably through publicly meeting defenders and supporting and giving visibility to their activities. In this respect, the EU has noted with concern negative developments and a visible trend in some countries aimed at limiting the activities of human rights defenders and other parts of civil society. The Council expresses deep concern about the particularly difficult situation for human rights defenders working with indigenous, minority, LGBT and gender issues.
5. Building on the central importance attached by the EU to freedom of expression, the Council has given priority to strengthening EU action on the relationship between freedom of expression and new technologies. Restrictions and limitations on the use of such technologies have emerged as a key challenge to the respect for human rights, undermining the potential the technologies have in promoting freedom of expression. Within the framework of the human rights defenders guidelines, the Council has given added attention to promoting work on human rights in countries upholding undue restrictions on the Internet and other new technologies.

6. The Council reaffirms the strong commitment of the European Union to the promotion of religious tolerance and the protection of freedom of religion or belief which is a fundamental freedom which includes all religions or beliefs, as well as non-theistic and atheistic beliefs and also covers the right to adopt, change or abandon one's religion or belief, of one's own free will. The Council condemns all forms of intolerance against persons because of their religion or beliefs and is alarmed by reports of recent and increasing acts of extreme violence against persons belonging to religious minorities. The Council emphasises that the freedom of religion or belief is intrinsically linked to other fundamental freedoms and expresses deep concern that legislation on the defamation of religions has been used to mistreat persons belonging to religious minorities and to limit freedom of expression and freedom of religion or belief.
7. The Council insists that there is no hierarchy in different forms of discrimination and intolerance and commits to vigorously pursue its efforts towards decriminalisation of homosexuality worldwide, addressing 'honour' crimes, and countering discrimination based on sexual orientation or gender identity, and to encourage all states to support the Declaration to decriminalise homosexuality presented in UNGA in December 2008.
8. The Council reaffirms its commitment to the prevention and eradication of all forms of torture and ill-treatment. The EU will continue to promote the global instruments for the prevention of torture, as well as to encourage ratification and full cooperation of states with the relevant mechanisms. During 2009 the EU has in particular expressed its support to the United Nations Subcommittee on the Prevention of Torture (SPT). The EU will continue to address both specific cases and more structural aspects with a view to preventing and eradicating torture. The Council notes the importance of launching strengthened cooperation with several countries during 2009 in the global effort to eradicate torture worldwide, as foreseen in the implementation of the EU's Guidelines against Torture.
9. The Council recalls that 2009 marks the 20th anniversary of the Convention on the Rights of the Child. The EU notes with content the almost universal accession to the Convention, although with the recognition that the full realisation of the rights entailed remains far from universal. The Council reaffirms its commitment to implementing the EU Guidelines on the Rights of the Child. The EU has continued to raise issues on the rights of the child, including child labour, in its human rights dialogues with third countries. The Council recalls its conclusions of May 2008 on combating child labour (9739/08), and looks forward to receiving soon the Commission's forthcoming report on this subject. Combating all forms of violence against children remains a priority, as highlighted at the EU NGO Forum in Stockholm on 6-7 July. The EU also welcomes the establishment of the Special Representative to the Secretary-General (SRSG) on Violence Against Children, and underlines the importance of the mandate.
10. Although women's status and rights have improved over the past decades, countries throughout the world still face major challenges to overcome inequalities between men and women. The EU would thus like to reaffirm its strong commitment to the urgent eradication of all forms of violence and discrimination against women and girls, including domestic violence and 'honour' crimes. Women and girls still face multiple forms of discrimination around the world, that often are the result of laws, policies and practices, which restrict women's access to participate fully in development processes and public and politic life.

The EU supports the United Nations' efforts to promote the rights of women and girls, including the committee on the elimination of discrimination against women (CEDAW). It is essential that all states cooperate in good faith with the committee. The EU is committed to strengthening the integration of a gender perspective in the work of the Human Rights Council with particular focus on the Universal Periodic Review and through all relevant mechanisms of the Council. The Council welcomes the opportunity presented by the 30th anniversary of the Convention on the Elimination of All Forms of Discrimination against Women, and the 10th anniversary of its Optional Protocol, to reemphasise the importance of combating all forms of discrimination and violence against women. Recognising that discrimination and violence against women are global problems, the EU has launched the implementation of its Guidelines on Violence against Women and Girls and Combating All Forms of Discrimination against them. The Council furthermore welcomes the establishment of a new gender entity within the UN. It welcomes the adoption of Security Council resolutions 1888 (2009) and 1889 (2009) and reiterates the importance of implementing these resolutions, as well as resolutions 1325 (2000) and 1820 (2008), in line with the “EU Comprehensive Approach” on women, peace and security.

11. The Council is deeply concerned about the situation of children affected by armed conflict around the world. The Council remains deeply committed to the promotion and protection of the rights of children affected by armed conflicts. The Council affirms its strong support for the Security Council’s recently adopted resolution 1882 (2009) and for the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (2007). 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.
12. The Council underlines the importance of coordinated action under EU human rights guidelines and under the EU guidelines on international humanitarian law (IHL), toward increased respect for international law in armed conflict settings. In 2009, which also marks the 60th anniversary of the Geneva Conventions, the Council intensified its efforts to promote both respect for human rights and IHL in countries where both sets of EU guidelines are relevant. The Council remains committed to the implementation of the Responsibility to Protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing.
13. The Council affirms the EU’s commitment to strengthening its efforts to support democracy in EU external action, and looks forward to the implementation of the EU agenda for action adopted through its conclusions of 16-17 November 2009. The Council underlines the EU’s continuing commitment to the observation of elections across the world. The Council recalls the adherence by EU election observation missions to the “*Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers*” elaborated in 2005 by the UN, the Organisation of American States, non-governmental organisations and the European Commission. The Council endorses this Declaration. The Council underlines the importance of the European Instrument for Democracy and Human Rights (EIDHR) and the need for the EU’s continuous support for the promotion of human rights and democracy worldwide. The Council reiterates the need to continue to enhance the effectiveness, consistency and complementarity of EIDHR and of all EU and bilateral financial instruments relevant to the promotion and protection of human rights and democracy, in line with the Council Conclusions on Democracy Support in the EU's External Relations.

14. The Council reaffirms its support for the United Nations Convention on the Rights of Persons with Disabilities, and welcomes that it will soon be possible for the European Union to conclude this Convention, the first time the Union will have acceded to a United Nations human rights convention.
15. The Council gave added attention to increasing the impact of its human rights policy, including through a more efficient use of the range of instruments that the EU has at its disposal. Several initiatives were taken by EU member states' missions in third countries to strengthen and intensify the implementation of EU Human Rights Guidelines, for instance through added attention to local human rights developments and, deepened contacts with authorities and civil society representatives.
16. The Council emphasises the need to take further practical measures to strengthen the human rights and gender perspectives in the CSDP (Common Security and Defence Policy) and welcomes efforts made in this direction, including the organisation of a first gender advisors and focal points meeting in Brussels on 9-10 November. The Council affirms its commitment to further integrating human rights, gender and IHL analysis into mission and operation planning, as well as to reinforcing human rights, gender and IHL training for EU staff prior to and during missions and operations. In this regard the EU reaffirms its commitment to integrating a gender perspective in the CSDP and reaffirms its commitment to the full implementation, regular monitoring and review of Council conclusions on combating violence against women, particularly in the ESDP framework, and all forms of discrimination against them (16520/08), the Comprehensive approach to the EU implementation of United Nations Security Council Resolutions 1325 and 1820 on women, peace and security (16586/08 and 15671/1/08 REV1) and Secretariat revised document on the Implementation of UNSCR 1325 as reinforced by UNSCR 1820 in the context of ESDP (15782/3/08 REV3).
17. The Council also gave emphasis to the important role of business in achieving full respect for human rights. It reiterates its full support for the work of the UN Special Representative on human rights and transnational corporations and other business enterprises, and welcomes the convening of the conference 'Protect, Respect, Remedy – a Conference on Corporate Social Responsibility' on 11 November 2009.
18. Reaffirming the EU's ambition of being a committed actor in promoting human rights and supporting democracy, the Council underlines the need to increase the visibility of the EU's work in the area. Strengthened openness can underpin public awareness of the EU's policies, while serving to encourage those who are engaged in improving respect for human rights in countries around the world.
19. The Council welcomes the comprehensive revision of the EU's websites on human rights, as well as ongoing work to strengthen the EU's Annual Report on Human Rights, including through reinforced country-specific coverage, as effective measures to make the EU's work more accessible. The Council hopes that systematic dissemination of the EU's statements on individual human rights situations, and its statements in the UN and other international forums, will increase awareness of EU work.

20. The Council reaffirms the importance it attaches to its human rights dialogue with third states as a key tool in promoting human rights worldwide. In this context;
- It welcomes the launch in 2009 of a human rights dialogues with Indonesia, and the holding of the first dialogue meetings with Georgia and Armenia. In addition to 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 and the agendas of other dialogues. The Council 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.
 - 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. 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 the rule of law, the regulation of the legal profession, freedom of expression, association and religion or belief, 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 closely 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.
 - The Council welcomes the continuation of the human rights consultations with the Russian Federation. The Council welcomes the recent decision by the Russian Constitutional Court, which the Council hopes will lead to the abolition of the death penalty. The EU will continue to urge the Russian Federation to effectively abolish the death penalty, and to adhere to the sixth optional protocol of the European Convention on Human Rights. The EU, however, remains concerned about certain developments in Russia during the past year, notably in relation to the troubling situation of human rights defenders, media freedom, NGOs, impunity, respect for the rule of law as well as racism, xenophobia and intolerance. The Council deplores the recent assassinations of journalists and human rights defenders and urges Russia to do its utmost to bring the perpetrators to justice. The Council remains deeply concerned about the human rights situation in the northern Caucasus and will continue to pay close attention to it.

- After a number of encouraging decisions taken earlier in this area, the Council deeply regrets the lack of significant progress in addressing its concerns in the area of human rights and fundamental freedoms in Belarus, including as regards the crackdown on peaceful political actions and the continued denial of registration of many political parties, non-governmental organisations and independent media, as well as continued detention of prisoners of conscience. The Council furthermore regrets the recent death sentences in Belarus and urges the authorities to introduce a moratorium on the death penalty, as an interim step leading to the early abolition of the death penalty. The Council welcomes the establishment of a human rights dialogue with Belarus, and hopes that the dialogue will be beneficial to address the serious situation of human rights in Belarus.
21. The Council underlines the importance of a strong United Nations for achieving universal respect for human rights. Prevention, capacity-building, early action and the fight against impunity with a clear focus on those situations that constitute serious or systematic violations of human rights is crucial for the continued legitimacy of the United Nations in the field of human rights. The Council recalls that the EU has played an active role in the work of the UN Human Rights Council (HRC). Following an initial year marked by institutional discussions, the HRC has been able during the last year to focus on substance, with mixed results. The EU reaffirms its commitment to a HRC able to address serious human rights situations in accordance with its mandate. The EU reiterates its full support for the Special Procedures of the HRC and urges all States to fully cooperate with them. The Council welcomes important resolutions on Burma and Honduras, and the extension of country mandates on Sudan, Somalia, Cambodia, Burma and DPRK, but regrets that the HRC was unable to re-establish a mandate on the DRC. The EU is committed to ensuring that the upcoming review process leads only to changes which will strengthen the institution. The EU reiterates its support to the UN High Commissioner for human rights and to her Office.
 22. The Council stresses the major role played by the Third Committee of the UN General Assembly in the promotion and protection of human rights worldwide in complement to the Human Rights Council. The EU will continue to make full use of this important body, namely by contributing to the fulfilment of its mandate to examine thematic and geographic issues related to human rights. The Council further welcomes the adoption of resolutions on other thematic issues of particular relevance, such as rights of the child, religious intolerance, torture, eliminating violence against women, human rights and counter-terrorism, as well as the protection of all persons from enforced disappearances. The Council also welcomes the adoption of resolutions on the human rights situation in Myanmar, DPRK and the Islamic Republic of Iran. The adoption of these resolutions is visible proof of the international community's continuing concern for the lack of improvement of the human rights situation in these countries.
 23. The Council draws the attention to valuable cooperation which exists between the European Union, the Council of Europe and the Organisation for Security and Cooperation in Europe when promoting human rights and democracy in the European continent. The Council notes new opportunities for strengthening cooperation with the entry into force of the Lisbon Treaty."