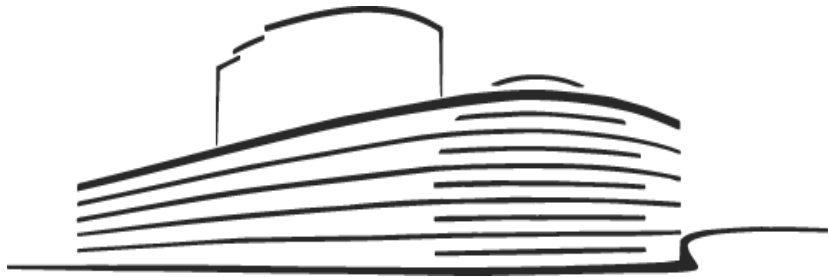


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### **EC development policy**

#### **European Parliament resolution on the Annual Report 2001 from the Commission to the Council and the European Parliament on the EC development policy and the implementation of the external assistance (COM(2002) 490 – 2002/2246(INI))**

*The European Parliament,*

- having regard to the Commission report (COM(2002) 490 - C5-0607/2002),
  - having regard to the European Community's cooperation policies,
  - having regard to the ACP-EC Partnership Agreement between the African, Caribbean and Pacific States on the one part, and the European Community and its Member States, on the other part, signed in Cotonou on 23 June 2000<sup>1</sup>, and which entered into effect on 1 April 2003 following completion of ratification procedures,
  - having regard to the OECD Development Assistance Committee's 2002 Peer Review of European Community assistance,
  - having regard to Rules 47(2) and 163 of its Rules of Procedure,
  - having regard to the report of the Committee on Development and Cooperation and the opinions of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy and the Committee on Women's Rights and Equal Opportunities (A5-0209/2003),
- A. whereas 2001 is the second year for which EuropeAid has published an annual report,
- B. whereas in 2001 external Official Development Assistance (ODA) to developing countries financed by the General Budget and the European Development Fund (EDF) amounted to EUR 5994 million in commitments and EUR 5892 million in payments, and ODA and official assistance to countries and territories in transition in 2001 amounted to EUR 9729 million in commitments and EUR 7700 million in payments,
- C. whereas, according to the Development Assistance Committee peer review, European Community external assistance for 2001 increased by 21.1% in real terms over the previous year, mainly through increased assistance to accession candidate countries,
- D. whereas aid to candidate countries exceeds aid to developing countries,
- E. whereas the European Community is the leading international donor of development aid and the Member States committed themselves at the Barcelona European Council to reach, within their respective budgetary processes, at least 0.33% of ODA/GNI by 2006,

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<sup>1</sup> OJ L 317, 15.12.2000, p.3.

1. Welcomes the publication of the EuropeAid Annual Report for 2001, the second of its kind, which constitutes a useful compendium of data and analysis that is not otherwise available in readily consultable form, and which consequently contributes to the transparency of the EU's development cooperation activities;
2. Understands that this EuropeAid Report is, to a certain extent, experimental in nature, and that it refers to a period in which external aid policies, and particularly development cooperation policies, were in a phase of transition and consolidation; recognises the interest and merit of the document and hopes that a more substantial evaluation will be made in the 2002 Report, when a more realistic assessment can be undertaken;
3. Notes with satisfaction that the Commission, in accordance with the frequently expressed views of the European Parliament, has attempted to assess progress towards achieving the Millennium Development Goals which were adopted in September 2000;
4. Emphasises that the promotion of gender equality and women's rights is an essential component in the achievement of the Millennium Development Goals, and consequently requests the Commission to include in future annual reports data on gender balance, notably in the education and health sectors, as well as on actions to combat violence against women;
5. Welcomes the emphasis placed by the Commission on poverty reduction and the concentration of development assistance (except for the candidate countries) on the poorest states, in particular the least developed countries; calls on all low-income countries to produce poverty reduction strategy papers as a matter of urgency so that actions to combat poverty can be properly targeted; asks that account be taken, in this respect, not only of the poorest states but also of middle-income developing countries with very high levels of poverty and social inequality;
6. Welcomes the fact that the Commission has accorded priority to the development and strengthening of regional and sub-regional political, economic and commercial integration processes in those regions that are to receive EC cooperation, and calls for a stronger commitment to regional and sub-regional integration and association models as a global strategy to meet the challenges posed by development in the 21st Century;
7. Sees the need for reliable mechanisms to measure the effectiveness of European development actions, notably in poverty alleviation and trade promotion; accordingly, urges the Commission, including Eurostat, to assist developing countries' administrations so as to develop statistical services that can provide accurate data on economic growth and on economic and social progress;
8. Notes that the reorganisation of the Commission's services and the setting up of the EuropeAid Cooperation Office has improved the efficiency of European aid management; regrets, however, the continuing lack of sufficient manpower to manage the volume of money involved; calls for the provision of increased staff to manage the Community's external assistance, including extra staff in overseas delegations, to meet the challenges of deconcentration;



9. Reiterates its previous criticisms regarding the lengthy programming of European aid; notes that the Commission is aware of these problems, and thus calls for still lighter and less cumbersome administrative procedures;
10. Expresses serious reserves regarding the use of European funding for macro-economic budgetary support which amounted to EUR 263 million in 2001 for the ACP countries alone, notes that much of this money went to countries which have been criticised for poor governance;
11. Calls on the Commission to define comprehensive, rigorous and transparent control and reporting mechanisms to monitor macro-economic support in order to ensure that this funding is used for the purposes for which it was intended; urges the Commission to consult with other donors with a view to harmonising reporting requirements, thereby facilitating administrative procedures for recipient developing countries;
12. Welcomes the setting up of the Inter-Service Quality Support group, and believes that this will continue to positively influence the quality and coherence of EU development strategy and its complementarity with programmes carried out by other donors, notably the EU Member States, the UN Agencies and the Bretton Woods Institutions;
13. Regrets the Commission's failure to meet the output targets for cooperation with Asian and Latin American countries, notably with regard to social infrastructure and services, added as remarks to the 2001 General Budget by the European Parliament;
14. Calls on the negotiating parties to forge ahead with the negotiations on an EU-Mercosur association agreement, and with the political dialogue and cooperation agreements between the EU and the Community of Andean Nations and the EU and Central America, so that results might be available in time for the forthcoming Summit of the Heads of State and Government of the EU, Latin America and the Caribbean, to be held in Mexico in 2004, in line with the consolidation of the strategic bi-regional association between the two regions;
15. Calls on the Commission to increase the resources and specific actions designed to protect indigenous peoples and develop their own capacities, and for adequate attention to be paid to the needs of indigenous peoples in horizontal and regional programmes;
16. Calls on the Commission to analyse, in the Annual Report for 2002, the effectiveness of assistance provided for private sector development and to devise yardsticks for measuring the success of such assistance, including measures specifically designed to promote women's participation in business;
17. Is particularly concerned by the continuing high level of committed appropriations that have not yet been paid, the "reste à liquider" (RAL); points out that at the end of 2001, under the General Budget there were 1482 totally dormant commitments in the accounting system, representing an outstanding amount of EUR 1319 million; calls on the Commission to apply itself diligently to reducing the level of RAL, either through activating projects or programmes for which funds have been committed, or through "decommitment" whenever it is clear that there would be no point in maintaining commitments;

18. Nevertheless welcomes the fact that, according to the Commission's figures, in 2001 RAL for appropriations under the General Budget decreased by 60% from EUR 1092.34 million to EUR 329.7 million;
19. Deplores the Commission's failure to include in the 2001 Annual Report data concerning unused EDF commitments which, contrary to budget RAL, were not reduced in 2001; calls for more vigorous action in respect of EDF RAL, and expects this to be analysed in detail in the 2002 Annual Report;
20. Notes that a disproportionately high share of this RAL relates to budget chapter B7-4 (Mediterranean), and also deplores the low level of payment on budget lines for the environment and tropical forests;
21. Sees the need for a common reliable computerised information system covering all aspects of the project cycle, and reiterates its call for greater human resources to manage the growing number of projects;
22. Stresses that it is as important to execute existing programmes successfully, as it is to launch new programmes; deplores the fact that new programmes and actions were on occasions launched without the provision of sufficient staff to ensure their correct implementation;
23. Calls for the rapid budgetisation of the EDF, which would simplify procedures and facilitate the decommitment of dormant and old RAL, while insisting that EDF budgetisation must, under no circumstances, lead to any reduction, in real terms, in the value of the fund or in the volume of resources available to the ACP countries;
24. Requests the Commission, in its 2002 Annual Report, to take account of the decisions taken at the Monterrey and Johannesburg summits, and to analyse its initial response to meeting the commitments resulting therefrom;
25. Notes with approval that the Commission has devoted a section to the policy of mainstreaming gender equality; requests the Commission to include in future annual reports a more detailed analysis of the state of implementation and the effectiveness of policies and programmes aimed at improving the situation of women;
26. Requests the Commission, in its 2002 Annual Report, to produce more statistical annexes permitting detailed comparison between use of appropriations for different sectors and regions, as well as an executive summary;
27. Suggests that, in its future annual report, the Commission clearly distinguishes between actions and resources in favour of development cooperation with the countries of the South, and its activities in favour of the development of northern countries, including candidates for EU membership and neighbouring countries such as those in the Balkans;
28. Stresses the need for EuropeAid Annual Reports to pay special attention to the effectiveness of the EU's actions to promote efficient, transparent and accountable public institutions in developing nations, adapted to the particular circumstances of each country;

29. Hopes that future EuropeAid Annual Reports will accord due attention to the cross-border dimension of certain development policies, notably INTERREG, MEDA and TACIS and other policies aimed at stimulating the development of regions close to the external borders of the enlarged Union;
30. Notes that the 2001 Report contains certain imperfections such as discontinuity of editorial style between chapters; urges that these be remedied in the 2002 Report so as to avoid its appearing as a juxtaposition of disparate elements;
31. Recommends that the Commission print sufficient copies of the 2001 Report, in the necessary languages, to enable its widest possible distribution in the developing countries, in the Member States, and, in particular, among the NGOs which are frequently most useful partners in the implementation of EU cooperation policies;
32. Instructs its President to forward this resolution to the ACP-EU Council of Ministers, the ACP-EU Joint Parliamentary Assembly, the Council and the Commission.

**Regional and lesser-used languages - enlargement and cultural diversity**

**European Parliament resolution with recommendations to the Commission on European regional and lesser-used languages – the languages of minorities in the EU – in the context of enlargement and cultural diversity (2003/2057(INI))**

*The European Parliament,*

- having regard to Article 192, second paragraph, of the EC Treaty,
  - having regard to Articles 149, 150, 151 and 308 of the EC Treaty,
  - having regard to Articles 21 and 22 of the Charter of Fundamental Rights of the European Union,
  - having regard to its resolution of 14 January 2003 on the role of regional and local authorities in European integration<sup>1</sup> and the reference therein to linguistic diversity in Europe,
  - having regard to European Parliament and Council Decision No 1934/2000/EC of 17 July 2000 on the European Year of Languages 2001<sup>2</sup>,
  - having regard to the Council resolution of 14 February 2002 on the promotion of linguistic diversity and language learning in the framework of the implementation of the objectives of the European Year of Languages 2001<sup>3</sup>,
  - having regard to the European Charter for Regional or Minority Languages of the Council of Europe, which entered into force on 1 March 1998,
  - having regard to the Council of Europe's Framework Convention for the Protection of National Minorities, which entered into force on 1 February 1998,
  - having regard to Rules 59 and 163 of its Rules of Procedure,
  - having regard to the report of the Committee on Culture, Youth, Education, the Media and Sport (A5-0271/2003),
- A. whereas there is at present no legal provision at EU level relating to European regional and lesser-used languages,
- B. whereas no proposal within the meaning of Rule 59(2) of the Rules of Procedure is in preparation,

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<sup>1</sup> P5\_TA(2003)0009.

<sup>2</sup> OJ L 232, 14.9.2000, p. 1.

<sup>3</sup> OJ C 50, 23.2.2002, p. 1.

- C. whereas the European Parliament and the Committee of the Regions have addressed the question of the importance of less widely used languages on many occasions<sup>1</sup>,
- D. whereas respect for linguistic and cultural diversity is a basic principle of the EU and is enshrined in the following terms in Article 22 of the Charter of Fundamental Rights of the European Union: ‘The Union shall respect cultural, religious and linguistic diversity’,
- E. whereas in its abovementioned resolution of 14 January 2003, it called for the following new Article to be inserted in the EC Treaty: ‘The Community shall, within its spheres of competence, respect and promote linguistic diversity in Europe, including regional or minority languages as an expression of that diversity, by encouraging cooperation between Member States and utilising other appropriate instruments in the furtherance of this objective’,
- F. whereas it is the aim of cultural diversity to be an element of social cohesion and not to operate as an argument for a division into majority and minority,
- G. whereas indigenous minority language communities exist in some areas of the EU and, according to official statistics, 40 million Union citizens regularly speak a regional or minority language that has been handed down from generation to generation, nearly always in addition to the official language or languages of the state in question,
- H. whereas, in some Member States, the above-mentioned languages are the most widely used vehicle of communication in the respective communities concerned and have even been accorded official or equal official status (alongside another official language) at regional level,
- I. whereas there are official languages of Member States that have not been included among the languages used in the European Union institutions, even though they are the languages most widely used in the respective regions concerned, in all areas of society, in the media and also in education, not least at university level,

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<sup>1</sup> Resolution of the European Parliament of 16 October 1981 on a Community charter of regional languages and cultures and a Charter of rights of ethnic minorities (OJ C 287, 9.11.1981, p. 106).  
Resolution of the European Parliament of 11 February 1983 on measures in favour of minority languages and cultures (OJ C 68, 14.3.1983, p. 103).  
Resolution of the European Parliament of 30 October 1987 on the languages and cultures of regional and ethnic minorities in the European Community (OJ C 318, 30.11.1987, p. 160).  
Resolution of the European Parliament of 11 December 1990 on languages in the Community and the situation of Catalan (OJ C 19, 28.1.1991, p. 42).  
Resolution of the European Parliament of 9 February 1994 on the linguistic and cultural minorities in the European Community (OJ C 61, 28.2.1994, p. 110).  
Resolution of the European Parliament of 13 December 2001 on regional and lesser-used European languages (OJ C 177 E, 25.7.2002, p. 334).  
Opinion of the Committee of the Regions of 13 June 2001 on the promotion and protection of regional and minority languages (OJ C 357, 14.12.2001, p. 33).

- J. whereas, according to Commission information, there are over 60 known indigenous regional or minority language communities in the EU, a number which will be more than doubled as a result of the Union's progressive enlargement,
- K. whereas, in the course of European enlargement, a multiplicity of new regional and minority language communities will further enrich the European Union's linguistic and cultural diversity,
- L. whereas the Presidency Conclusions of the European Council in Copenhagen on 21 and 22 June 1993 state that respect for and protection of minorities is a requirement for membership of the European Union,
- M. whereas the customary definition of regional or minority languages in the European Charter for Regional or Minority Languages covers languages traditionally used by sections of the population of the state in question, but does not include dialects of the official language(s) of the state, the languages of immigrants or recently invented languages,
- N. whereas the definition of regional and minority languages should not be affected by the level of support these languages receive from their respective local and/or regional authorities,
- O. whereas support for regional and minority languages should be constant and independent from changes in the political climate,
- P. whereas, despite the very considerable differences that sometimes exist between the social, economic and political factors involved in their use, Europe's regional and minority languages have many features in common throughout the EU and a European dimension, making them a matter of interest for the whole of Europe,
- Q. whereas in some of these communities regional or minority languages straddle the frontiers of Member States, and there is a tradition of long-standing cultural and historical links between other such communities,
- R. whereas, since such links are undoubtedly important and continue to be promoted at interregional level, almost all these regional and minority language communities share a strong interest in the survival and development of their language and culture, as well as in making full use of their potential in the EU,
- S. whereas regional and minority languages are a major cultural treasure trove and – given that they constitute a common cultural heritage – support to foster them should be improved constantly and at every level,
- T. whereas the media play an important role in safeguarding and promoting the knowledge and use of regional and lesser-used languages,
- 1. Calls on the Commission, on the basis of Articles 149, 150, 151 and 308 of the EC Treaty, to submit to it by 31 March 2004 legislative proposals on language diversity and language learning – to include European regional and lesser-used languages – in accordance with the recommendations and proposed measures annexed to this resolution;

2. Calls on the Commission to provide scientifically based criteria for a definition of a minority or regional language for the purposes of the possible programme for linguistic diversity;
3. Considers that, since the European Union has adopted a mainstreaming strategy in its funding policy, the objective of promoting and protecting regional and minority languages should be clearly stated as part of the objectives, at least of all the language and content industry-related programmes;
4. Considers that the budgetary impact of the actions and programmes requested in the recommendations in the annex should be compatible with the ceiling of heading 3 without a reprogramming of existing policies;
5. Asks the Commission to accompany its future initiative with an evaluation of possible duplication of activities at centralised and decentralised levels as well as a proposal for transferring from headquarters to the agencies concerned the appropriate human and administrative resources;
6. Notes that the recommendations in the annex are in accordance with the principle of subsidiarity and with citizens' fundamental rights;
7. Proposes that a new budget item be established under Article B3-100 in the course of the annual budgetary procedure and that the corresponding appropriations be entered in the budget;
8. Instructs its President to forward this resolution, and the accompanying detailed recommendations, to the Commission, the Council, the intergovernmental conference, the Council of Europe and the European Bureau for Lesser-Used Languages.

## ANNEX

### DETAILED RECOMMENDATIONS ON THE CONTENT OF THE REQUESTED PROPOSAL

#### A. PRINCIPLES AND OBJECTIVES OF THE PROPOSAL

After the success of the European Year of Languages 2001, the Commission planned to publish in the summer of 2003 an Action Plan on Language Learning and Linguistic Diversity, based on resources available under current Community programmes and measures.

The European Parliament regards this initiative as an important step towards a global approach to encouraging language learning and creating greater awareness of our linguistic and cultural heritage.

The European Parliament calls for more measures in this area. Following the same approach used for the European Year against Racism 1997, which led to the setting-up of the European Monitoring Centre on Racism and Xenophobia and the launching of an action programme to combat discrimination, the EP calls for the setting-up of a European Agency on Linguistic Diversity and Language Learning and a multi-annual programme on linguistic diversity and language learning, building on the success of the European Year of Languages 2001.

The Agency on Linguistic Diversity and Language Learning should keep constant track of developments in this area and the implementation of the action plan and also introduce concrete measures, inter alia to help promote a multilingual Europe and a language-friendly environment, and develop a network to promote linguistic diversity, to include European regional and minority languages.

At the same time, suitable arrangements should be made to ensure that part of the financial appropriations are specifically earmarked for concrete measures and for regional and less-widely used languages. The aim of these measures is to reinforce the European dimension with a view to promoting and protecting regional and minority languages and cultures. It is important to stress that this aim cannot be effectively pursued without proper coordination with the machinery existing within the Council of Europe, avoiding overlapping or encroachment in terms of responsibilities and/or operations. In particular, because monitoring is carried out under the European Charter for Regional or Minority Languages, the key Europe-wide legal frame of reference applying in this sphere, and above all through the work of the independent committee responsible for supervising implementation of the Charter as well as the two-yearly reports submitted by the Secretary-General of the Council of Europe, it is possible to identify problem areas, often horizontal by nature to the extent that several countries are affected, in which action needs to be taken as a matter of priority. In their activities, therefore, the agency and the Commission should take account of the findings of this monitoring when determining aims, financial guidelines, and priorities so as to enable the right measures to be taken at the right time as regards the problem areas (similar considerations apply to the monitoring carried out under the Framework Convention for the Protection of National Minorities, in so far as it also relates to linguistic profiles).



The proposed initiatives are justified by the fact that our linguistic and cultural heritage will play a particularly significant role, and one which should not be underestimated, in an enlarged Union.

## B. PROPOSED MEASURES

### Recommendation 1

#### European Agency for Linguistic Diversity and Language Learning

- I. Legal act: Proposal for a legal act setting up a European Agency for Linguistic Diversity and Language Learning, taking due account of regional and minority European languages;
- II. Content: Taking into account the results of the feasibility study to be made by the European Commission on a European Agency for Linguistic Diversity and Language Learning, implementation of the measures proposed in the Commission's action plan; promotion of a multilingual Europe and a climate of acceptance of multilingualism; development of a network to promote linguistic diversity, with the inclusion of European regional and minority languages; collection and collation of data, without undermining data protection, on the situation of the minority languages in an enlarged EU, fully respecting Member State provision for educational instruction in the official language or languages.

### Recommendation 2

#### Programme for linguistic diversity (to include regional and minority languages) and language learning

- I. Legal act: Proposal for a legal act to establish a multi-annual programme for linguistic diversity (to include regional, minority and sign languages) and language learning;
- II. Content: The establishment of concrete financial measures to promote projects relating to the creation of a climate of acceptance of multilingualism, especially as an exchange of experience between multilingual municipalities and regions, highlighting the benefits of language learning and supporting the European networks active in this field, also taking into account, when determining aims and priorities regarding regional or minority languages, the findings of the monitoring carried out under the Council of Europe's European Charter for Regional or Minority Languages.

In addition to these two central measures, the European Parliament considers that a global approach to promoting linguistic diversity and language learning, and to preserving our linguistic and cultural heritage, including that of Europe's regional and minority languages, requires the following measures.

The European Parliament considers, therefore, that

the Commission should:

1. on the basis of Article 3(1)(q) TEC, include the promotion of linguistic diversity, to include regional or minority languages, and language learning, among the objectives of the EU's cultural and educational programmes;
2. on the basis of Article 3(1) (q) TEC, ensure that the promotion of linguistic diversity, to include regional or minority languages, is also taken into account in other EU programmes, and for example is clearly identified as a target area in the action programme to combat discrimination or in the Structural Funds;
3. on the basis of Article 149 TEC, make all programmes accessible for proposals for all projects dealing with all languages, whether they are widely spoken or not;
4. if the languages in question have official status and are used in universities, bring them within the scope of implementation of the Socrates programme;
5. take the necessary measures to ensure that, in future, the interpretation of Articles 149, 150 and 151 TEC is based on an inclusive approach to linguistic diversity;
6. on the basis of Articles 149(3) TEC and 151(3) TEC, ensure that it is regularly and officially informed by the secretariat of the European Charter on Regional or Minority Languages concerning the state of ratification, and developments in relation to the implementation, of the Charter in the EU Member States,
7. on the basis of Articles 149(3) TEC and 151(3) TEC, ensure that it is regularly and officially informed by the Secretariat of the Council of Europe Framework Convention for the Protection of National Minorities concerning the state of ratification, and developments in relation to the implementation, of the Framework Convention in the EU Member States;
8. on the basis of Article 149 TEC, and with a view to encouraging teacher mobility, encourage the training of teachers of regional or minority languages;
9. report regularly to its Committee on Culture, Youth, Education, the Media and Sport on developments relating to the Action Plan on Language Learning and Linguistic Diversity and its implementation;
10. on the basis of Article 6 TEU, pay particular attention to the protection of human rights in general and the protection of minorities in particular, not only in relation to external policy, but also in the Member States;
11. on the basis of Article 6 TEU, establish regular monitoring of human rights protection, including the protection of minorities;
12. continue to support the European Bureau for Lesser-Used Languages (EBLUL), a network representing lesser-used language communities in all 15 Member States, and the three Mercator academic research centres, all as organisations of general European interest and networks for regional and minority languages, increase its financial support in order to create the conditions for expanding the Bureau's spheres of competence, and make use of its resources;

13. promote the mutual cooperation of regional or minority language communities, provided this has a European dimension and involves cross-border cooperation (for example MIDAS, EEBA, etc.);
14. when conducting campaigns to publicise EU policies, take newspapers published in a regional or minority language properly into account, following a politically balanced approach;
15. promote cultural activities – such as cultural networks, cultural events, translations, etc. – in which regional or minority languages are involved;
16. support the development of networks for the promotion of linguistic diversity and language learning, involving representative political, academic and other bodies, especially those engaged in using new language-learning techniques such as the so-called language baths, and organise an annual information seminar on calls for tenders or proposals targeted at language communities; the European Bureau for Lesser-used Languages could function as a secretariat for such networks;
17. when determining aims, financial guidelines, and priorities, take into account the findings of the monitoring carried out under both the Council of Europe's European Charter for Regional or Minority Languages and, in so far as it also relates to linguistic profiles, its Framework Convention for the Protection of National Minorities; to that end, cooperation should be established on a regular basis between the appropriate Commission and Council of Europe departments;
18. support forums of local and regional authorities involved in language planning in order to exchange information regarding most effective methods for the implementation of language policies;
19. apply the principles and objectives of the Charter as a benchmark in assessing compliance of the applicant countries with the obligations regarding the protection of their minorities as outlined in the conclusions of the 1993 European Council in Copenhagen;

the Intergovernmental Conference should:

20. include in the provisions concerning action by the EU in the field of culture an explicit reference to the promotion of linguistic diversity including regional and minority languages as an expression of cultural and linguistic diversity.
  1. The Community shall, within its spheres of competence, respect and promote linguistic diversity in Europe, including regional or minority languages as an expression of that diversity, by encouraging cooperation among Member States and utilising other appropriate instruments in furtherance of this objective.
  2. Community action shall particularly include:
    - Promoting exchange of experiences and good practices;
    - Facilitating cooperation and joint projects between state, regional and local authorities;

- Promoting, where appropriate, trans-border cooperation;
  - Supporting cooperation among the organisations of civil society.
3. The Community and the Member States shall foster cooperation with competent international organisations in the promotion of linguistic diversity, in particular the Council of Europe.
  4. The European Union shall endeavour to ensure that no EU policies or measures are adopted or applied in ways that are detrimental to the linguistic diversity of Europe.
  5. In order to contribute to the achievement of the objectives referred to in this point, the Council:
    - acting in accordance with the procedure referred to in Article 251 of the EC Treaty, after consulting the Economic and Social Committee and the Committee of the Regions, shall adopt appropriate measures, excluding any harmonisation of the laws and regulations of the Member States;
    - acting by a qualified majority on a proposal from the Commission, shall adopt recommendations.
21. ensure that Article 13 TEC also covers discrimination on the grounds of language;
  22. ensure that, for cultural matters (Article 151 TEC), the principle of qualified majority is introduced;
  23. draw up an annual report on compliance with the provisions on diversity contained in Article 151(4) TEC. This report should examine the effects of secondary legislation and the extent to which it takes into account the linguistic diversity, specific national and regional features and cultural heritage of the Member States;
  24. ensure that the following new Article 151a is inserted in the EC Treaty: ‘The Community shall, within its spheres of competence, respect and promote linguistic diversity in Europe, including regional or minority languages as an expression of that diversity, by encouraging cooperation between Member States and utilising other appropriate instruments in the furtherance of this objective’;

the European Parliament itself should see that:

25. a specific section of the EP’s reports on human rights, or its own specific reports, deal with the protection of minorities;
26. its Committee on Culture is regularly and officially informed by the secretariat of the European Charter on Regional or Minority Languages concerning the state of ratification, and developments in relation to the implementation of, the European Charter for Regional or Minority Languages in the Member States;

27. its Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy is regularly and officially informed by the secretariat of the Council of Europe's Framework Convention on the Protection of National Minorities on the state of ratification, and developments in the implementation, of the Framework Convention in the EU Member States;

the Member States and candidate countries should:

28. if they have not already done so, ratify, as soon as possible, the Council of Europe's European Charter for Regional or Minority Languages and its Framework Convention for the Protection of National Minorities;
29. compile, as a basis for further measures, reliable data on ethnic, linguistic and religious minority groups, including immigrants and refugees, on their economic and social isolation/exclusion, and on the legal and practical status of regional and minority languages, and send such data to the European Monitoring Centre on Racism and Xenophobia in Vienna;

the Council should:

30. in agreement with the Commission, and as requested in the opinion on the Council report on human rights for 1999, include in its annual report on the human rights situation an analysis of the development of human rights, including the rights of national minorities, in the individual Member States, taking into account also the outcome of Council of Europe activities in this field, to make it possible to formulate strategies to ensure that national and European policies in this area are more consistent.

## **P5\_TA-PROV(2003)0373**

### **Effects of the summer heatwave**

#### **European Parliament resolution on the effects of the summer heat wave**

*The European Parliament,*

- A. having regard to the recent exceptional weather conditions and very high temperatures in Europe, especially in southern Europe,
- B. having regard to the drought and associated forest fires which have occurred in southern Europe, particularly in Portugal, but also in Spain, France and Italy,
- C. having regard to the losses in terms of human life and the destruction of many farms and homes as well as transport, communication and energy infrastructures,
- D. shocked that due to the heat wave more than 10 000 people more than normal died,
- E. whereas forest fires in Portugal alone have destroyed more than 400 000 hectares of woodland, i.e. a total of around 5% of the country's territory and 11% of forestry resources, inflicting damage with an estimated cost of over EUR 1 billion,
- F. whereas the fires which have occurred during the summer are a problem common to and recurrent in the whole southern European area and whereas the characteristics of Mediterranean forests and climatic features of southern Europe mean that it is one of the areas of the European Union most at risk from fires,
- G. whereas it is to be feared that, as a result of an emerging pattern of climate change, natural disasters on this scale are likely to recur,
- H. whereas some Member States are not capable of dealing with natural disasters of this scale and are thus obliged to rely on European solidarity and assistance,
- I. whereas the area devastated by the fires is much greater than the area reforested each year, and whereas this will have serious human, social, economic and environmental repercussions in the long term,
- J. whereas the damage suffered by the farming industry is enormous,
- 1. Expresses its deepest sympathy for and solidarity with the families of the those who died and with the inhabitants of the devastated areas, which include many elderly persons living in less-favoured rural areas, and salutes the dedication of the full-time and voluntary firemen and members of the public who fought the fires and the heat unstintingly, often at the risk of their lives;

2. Calls on the social, medical and emergency services in the various Member States to evaluate now the kind of preventative or emergency action that should be taken in any similar climatic situation that may occur in the future;
3. Notes the decision taken by the Commission to propose the mobilisation of the European Union's Solidarity Fund with a view to granting aid of EUR 31 655 million to Portugal to enable it to restore its infrastructures and reimburse the cost of the emergency measures, but considers that the contribution from the Solidarity Fund should be nearer the total emergency aid available under the EUSF, assessed at EUR 94 579 000;
4. Calls on the Commission to continue to cooperate with the national authorities in providing support for the affected populations and reducing the environmental impact of the fires and reforestation, and to support all national public aid initiatives aimed at restoring the production potential of affected areas, with a view to regenerating job creation and taking the necessary measures to offset the social costs involved in the loss of jobs and sources of income; calls on the Commission also to facilitate all Community administrative procedures, especially in relation to needs as regards reprogramming of the Structural Funds, and to ensure that the rigid procedures for use of these Funds are made more flexible and more easily accessible;
5. Calls on the Commission, the Member States and the regions affected to set up jointly an infrastructure restoration plan and a rehabilitation plan for the areas affected, seeking to reforest these areas and to prevent fires by reallocating a proportion of the Community's funds, particularly the structural funds, the EAGGF and the cohesion fund;
6. Calls for a reforestation policy for the affected areas based on respect for their bioclimatic and environmental features, and hopes that great store will be set by the rehabilitation of the specific local rural landscape;
7. Insists on the need to reinforce an efficient prevention policy in the field of forest fires, and reiterates its view that both monitoring and prevention measures should be encouraged by the Community, in particular in the scope of the proposed Forest Focus regulation;
8. Insists on the need, in the context of the proposed Forest Focus regulation, to give the European Union the same financial resources as in Regulation (EEC) No 2158/92<sup>1</sup> on protection of the Community's forests against fire, in order to fund, in particular, appropriate forest fire prevention facilities such as firebreaks, forest tracks, access points and water points;
9. Strongly condemns the criminal actions of those individuals responsible for starting certain of these fires deliberately, and calls on Member States to make every possible effort to ensure that they are brought to justice;
10. Considers that all Members States affected need urgently to review their systems for providing information to the general public on preventing forest fires;

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<sup>1</sup> OJ L 217, 31.7.1992, p. 3.

11. Appreciates the efforts of many Member States which have made available to the Mediterranean countries affected additional resources, both human and material, and calls on the Commission and the Council to address the question of establishing a European Civil Protection Force as a matter of urgency;
12. Calls on the Commission to examine the tragic consequences of this summer's heat wave thoroughly and to include the results in its 'further proposal' on health care and long-term care for the elderly as planned by this year's Spring European Council for the autumn;
13. Welcomes the decision by the Commission to bring forward the payment of some CAP direct support to farmers in order to ease the burden of the drought on the agricultural sector; calls on the Commission to rapidly apply Article 87(2) of the EC Treaty with a view to granting appropriate financial aid to all sectors affected by the disaster; calls on the Commission and the Member States to support farmers in adapting farming practices that can reduce the risks of yield losses provoked by extreme climatic conditions;
14. Considers it desirable to look closely at the possibility of introducing new methods for the management of agricultural crises as a result of extreme weather events, such as a Community insurance scheme, while respecting budget discipline;
15. Urges the Commission and each Member State to implement ambitious initiatives for the rapid phase-in of renewable energy through rapid and ambitious energy conservation programmes, including effective implementation of the Intelligent Energy Programme;
16. Calls on the Commission to give priority to infrastructure projects of rail, water and combined transport, when proposing the revision of the Trans-European Transport Networks (TEN-T);
17. Considers that the European Union needs more binding target values for ozone in ambient air and that the current related Community legislation needs to be improved;
18. Interprets the recent extreme weather conditions as further evidence of the negative effects of climate change and underlines that these extreme weather conditions are another sign of the need for ambitious world action to halt climate change; considers that the EU should continue to play a leading role in this process and reinforce its efforts in the key fields of environment, energy, transport, etc.; calls on the Commission to take initiatives to ensure respect for the Kyoto commitments and develop research into the connections between pollution and climate change;
19. Instructs its President to forward this resolution to the Commission, the Council and the governments of the Member States affected by the fires.



## **P5\_TA-PROV(2003)0374**

### **EU-Cuba relations**

#### **European Parliament resolution on Cuba**

*The European Parliament,*

- having regard to its previous resolutions on the situation in Cuba generally, and, in particular, that of 25 April 2002 on promoting human rights and democratisation in third countries<sup>1</sup> and that of 10 April 2003 on human rights in Cuba<sup>2</sup>,
  - having regard to the conclusions of the External Relations Council of 21 July 2003 concerning the situation in Cuba,
  - having regard to the Commission's statement of 27 July 2003 concerning Cuba's refusal of the humanitarian aid provided by the EU,
  - having regard to the declarations of 26 March and 5 June 2003 by the Presidency on behalf of the European Union concerning the continuing flagrant violation of human rights and fundamental freedoms in Cuba,
  - having regard to the common position 96/697/CFSP of 2 December 1996 on Cuba<sup>3</sup>, defined by the Council on the basis of Article J.2 of the Treaty on European Union, and periodically renewed,
- A. whereas one of the main objectives of the European Union continues to be to uphold the universality and indivisibility of human rights – including civil, political, economic, social and cultural rights – as proclaimed by the 1993 World Conference in Vienna on human rights,
- B. whereas the recent events in Cuba, such as the numerous arrests, imprisonments and severe sentences after summary trials affecting more than 70 dissidents and human rights activists, as well as the resumed use of the death penalty, have led the Commission to suspend the evaluation report on the Cuban request for accession to the Cotonou Agreement,
- C. whereas the Government of Cuba from its side has decided to withdraw, for the second time, its request for accession to the Cotonou Agreement,
- D. whereas the European Union has recently decided to limit bilateral high-level governmental visits; to reduce the profile of Member States' participation in cultural events; to invite Cuban dissidents to national day celebrations; and to proceed to the re-evaluation of its common position,

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<sup>1</sup> OJ C 131 E, 5.6.2003, p. 147.

<sup>2</sup> P5\_TA(2003)0191.

<sup>3</sup> OJ L 322, 12.12.1996, p. 1.

- E. whereas the US policy of confrontation over more than 44 years (embargo, extraterritorial laws such as Helms-Burton, etc) is not a constructive approach to promoting change or reform of the Cuban regime,
  - F. whereas freedom of expression is a fundamental human right,
  - G. extremely concerned at the state of health of several dissidents currently imprisoned in Cuba,
  - H. profoundly concerned that the Cuban authorities have re-introduced the death penalty,
  - I. whereas, in the meantime, the Cuban population continues to suffer the consequences of the human rights violations,
  - J. whereas the European Parliament awarded the 2002 Sakharov Prize to the dissident and member of the opposition to the Cuban regime, Mr Oswaldo Payá Sardiñas,
1. Reiterates its firm condemnation of the continuing flagrant violation of the civil and political human rights and the fundamental freedoms of members of the Cuban opposition and of independent journalists, and calls on the Cuban authorities to release all political prisoners immediately;
  2. Calls on the Commission and the Council to monitor the issue of political prisoners in Cuban jails and to take all necessary steps to ensure the immediate release of all of them;
  3. Reminds the Cuban authorities that no law may restrict the right of freedom of expression and that under no circumstances may they impose prison sentences on individuals exercising that freedom; stresses that respect for, and the defence of, human rights and democratisation promote the political, social and economic conditions necessary to guarantee peace and stability and ensure that everyone can live in dignity;
  4. Notes that since the previous evaluation in December 2002, not only have no positive steps been taken by the Cuban government, but the human rights situation has severely deteriorated;
  5. Calls on the Council and the Commission, as soon as all the prisoners are freed and arbitrary arrests have ceased, to determine a global policy towards Cuba, free from ambiguities;
  6. Reiterates that the objectives of the EU's external policy are based on promoting respect for human rights and fundamental freedoms, encouragement of processes of transition to pluralist democracy, and support for lasting economic recovery aimed at improving the living standards of the population;
  7. Believes that the EU can play a key role by maintaining a policy aimed at the adoption of positive measures such as the signing, ratification and application of international human rights instruments (in particular the UN Covenant on Civil and Political Rights as well as that on Economic, Social and Cultural Rights), by encouraging both authorities and democratic opposition to work together for a peaceful transition to democracy, and by

intensifying the dialogue of the High Representative for the CFSP with the authorities and with the democratic opposition in Cuba; in addition, considers that such a policy should fully incorporate other possible positive incentives, including generous cooperation programmes, so as to improve respect for human rights at all levels;

8. Deplores the Cuban regime's decision to reject EU aid, and recalls the Union's willingness and permanent commitment to provide aid to help the Cuban people;
9. Deeply regrets the behaviour of the Cuban authorities towards Community institutions, Member States and accession countries, even more so now that the Commission has recently opened an office in Havana; also regrets the closure of the Spanish cultural centre; and expects a new and constructive attitude from Cuba's authorities, based on reform efforts;
10. Regrets the lack of economic and social reforms, which is making the daily lives of Cuban citizens harder;
11. Reiterates its condemnation of the US embargo on Cuba, and calls for it to be lifted forthwith, as the UN General Assembly has repeatedly demanded;
12. Asks that Mr Oswaldo Payá Sardiñas, winner of the Sakharov Prize for Freedom of Thought in 2002, be officially invited to Europe at the earliest opportunity in order to meet in person with the EU Presidency, the High Representative for the CFSP, the President of the Commission and the relevant Commissioners; supports the decision taken by its Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy to invite Mr Sardiñas, and asks the Cuban authorities not to prevent his presence;
13. Instructs its Delegation for relations with the countries of Central America and Mexico, in line with this resolution, to tackle more firmly the issue of human rights in Cuba, and to undertake a special monitoring of developments;
14. Instructs its President to forward this resolution to the Council and the Commission, to the Government and National People's Assembly of the Republic of Cuba, and to Mr Oswaldo Payá Sardiñas.

## **P5\_TA-PROV(2003)0375**

### **Human rights 2002**

#### **European Parliament resolution on human rights in the world in 2002 and European Union's human rights policy (2002/2011(INI))**

*The European Parliament,*

- having regard to the motion for a resolution by Maurizio Turco and others on religious freedom (B5-0445/2002),
- having regard to the fourth EU annual report on Human Rights (12747/1/02),
- having regard to Articles 3, 6, 11, 13 and 19 of the Treaty on European Union and Articles 177 and 300 of the Treaty establishing the European Community,
- having regard to the Universal Declaration of Human Rights and to all relevant International Human Rights instruments<sup>1</sup>,
- having regard to the entry into force of the Rome Statute of the International Criminal Court on 1 July 2002,
- having regard to its previous resolutions on human rights in the world, adopted on 25 April 2002, 5 July 2001, 16 March 2000, 17 December 1998, 12 December 1996, 26 April 1995, 12 March 1993, 12 September 1991, 18 January 1989, 12 March 1987, 22 October 1985, 22 May 1984 and 17 May 1983<sup>2</sup>,
- having regard to its resolution of 30 January 2003 on the European Union's rights, priorities and recommendations for the 59th session of the UN Commission on Human Rights<sup>3</sup>,
- having regard to its resolution of 25 April 2002 on the Commission Communication to the Council and the European Parliament on the European Union's role in promoting human rights and democratisation in third countries<sup>4</sup>, and to the Council Conclusions of 25 June 2001,
- having regard to Council's Conclusions of 10 December 2002 on human rights and democratisation in third countries, together with the practical measures endorsed for the implementation of the Council's conclusions of 25 June 2001,

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<sup>1</sup> NB: for all relevant basic texts, please consult the table annexed to the report.

<sup>2</sup> OJ C 131 E, 5.6.2003, p.138; OJ C 65 E, 14.3.2002, p. 336; OJ C 377, 29.12.2000, p. 336; OJ C 98, 9.4.1999, p. 270; OJ C 20, 20.1.1997, p. 161; OJ C 126, 22.5.1995, p. 15; OJ C 115, 26.4.1993, p. 214; OJ C 267, 14.10.1991, p. 165; OJ C 47, 27.2.1989, p. 61; OJ C 99, 13.4.1987, p. 157; OJ C 343, 31.12.1985, p. 29; OJ C 172, 2.7.1984, p. 36; OJ C 161, 10.6.1983, p. 58.

<sup>3</sup> P5\_TA(2003)0034.

<sup>4</sup> OJ C 131 E, 5.6.2003, p. 147.

- having regard to the Charter of Fundamental Rights of the European Union<sup>1</sup>,
  - having regard to its previous resolutions on the situation of fundamental rights in the European Union, in particular its resolution of 15 January 2003<sup>2</sup>,
  - having regard to its resolution of 4 July 2002 on the American Service Members' Protection Act (ASPA)<sup>3</sup> and to its resolutions on the International Criminal Court of 26 September 2002 and 24 October 2002<sup>4</sup>, and to the Council conclusions of 30 September 2002,
  - having regard to Council Common Position 2001/443/PESC of 11 July 2001 on the International Criminal Court, as amended by Council Common Position 2002/474/PESC of 20 June 2002<sup>5</sup> and to the related Action Plan adopted on 15 May 2002, as well as to Council Common Position 2003/444/PESC of 16 June 2003<sup>6</sup>,
  - having regard to its resolutions of 19 November 1998, 18 January 2001 and 28 February 2002 on the International Criminal Court<sup>7</sup>,
  - having regard to its resolution of 20 September 2001 on female genital mutilation<sup>8</sup>,
  - having regard to the entry into force on 1 April 2003 of the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000<sup>9</sup>,
  - having regard to the Action Plan adopted at the 5th Euro-Mediterranean Ministerial Conference in Valencia on 23 April 2002,
  - having regard to the conclusions of the Human Rights Discussion Forum of December 2002 in Copenhagen,
  - having regard to Rule 163 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy (A5-0274/2003),
- A. whereas human rights - comprising civil, political, economic, social and cultural rights - are of a universal and indivisible, interdependent and interrelated nature, as confirmed by the 1993 UN Human Rights Conference in Vienna,
- B. whereas developing and consolidating democracy, the rule of law and respect for human rights and fundamental freedoms are a general objective of the common foreign and security policy (CFSP) of the European Union; whereas Community policy in the sphere of development cooperation should contribute to that general objective,

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<sup>1</sup> OJ C 364, 18.12.2000, p. 1.

<sup>2</sup> P5\_TA(2003)0012.

<sup>3</sup> P5\_TA(2002)0367.

<sup>4</sup> P5\_TA(2002)0449 and P5\_TA(2002)0521.

<sup>5</sup> OJ L 155, 12.6.2001, p. 19 and OJ L 164, 22.6.2002, p. 1.

<sup>6</sup> OJ L 150, 18.6.2003, p. 67.

<sup>7</sup> OJ C 379, 7.12.1998, p. 265, OJ C 262, 18.9.2001, p. 262, OJ C 293 E, 28.11.2002, p. 88.

<sup>8</sup> OJ C 77 E, 28.3.2002, p. 126.

<sup>9</sup> OJ L 317, 15.12.2000, p. 3.

- C. whereas the European Union, through its external relations and common foreign and security policy, has committed itself to respect international human rights law and international humanitarian law,
- D. whereas at the second Ministerial Conference of the Community of Democracies, held in Seoul from 10 to 12 November 2002, 118 countries, including all EU Member States, reaffirmed their commitment and determination to promote and defend democracy, the rule of law and human rights in the world,
- E. whereas for the EU to live up to its responsibility for peace and stability in the world, the common foreign and security policy must be strengthened, and importance is to be attached to an effective use of all provisions available to the Union in its external relations,
- F. whereas the credibility of the EU with respect to its human rights policy in external relations is also dependent upon the conduct of its policy on human rights and fundamental freedoms within its own borders,
- G. whereas the EU, in principle, takes a positive and cooperative approach in the promotion of the respect for human rights in relation to third countries,
- H. whereas efforts to promote respect for human rights and democracy as fundamental objectives of EU external relations policies will fall short if the inherent principles are not given sufficient priority with regard to security-related, economic or political interests,
- I. regrets that some Member States of the EU, contrary to the obligations deriving from the Cotonou Agreement and other association and cooperation agreements with third countries, support undemocratic regimes in various parts of the world insofar as these serve their own national, economic, military and other interests,
- J. whereas in the so-called fight against terrorism, the safeguarding of traditional individual human rights must not take second place to the efforts to achieve collective security,
- K. whereas armed conflicts continue to be a serious threat for human rights and result in grave violations of human rights,
- L. whereas, since the tragic events of 11 September 2001, national security has become a major concern of many governments, at the expense of human rights, in particular by the suppression of political opponents and their branding as "terrorists", by the creation of shadow criminal justice systems, and a greater reluctance by governments to criticise the domestic policies of other States; whereas this international climate has threatened human rights protection significantly,
- M. whereas the United States have continued to deny internationally recognised rights to people arrested in the context of the 'war against terrorism'; whereas thousands of prisoners were detained following the war in Afghanistan in defiance of international humanitarian law and US national legislation,
- N. whereas the human rights situation in the Middle East, North Africa and in parts of Asia was further aggravated in the name of "combating terrorism"; whereas clampdowns upon freedom of expression and assembly, and the intimidation of human rights defenders

proliferated; whereas the regions continued to suffer from judicial and extra judicial execution, the widespread use of torture and unfair trials,

- O. whereas the human rights clause, introduced as an essential element in association and cooperation agreements with third countries, needs to be applied in a truly operational manner in order to address effectively human rights violations, prevent future abuses and provide for a clear implementing and suspending mechanism in the event of failure to comply with the clause,
- P. whereas violations of the human rights clause by third countries bound to the EU by agreements are not only infringements of the universal rights and freedoms recognised by the Universal Declaration of Human Rights, but also constitute a violation of international treaties freely entered into by the parties,
- Q. whereas, according to the relevant EU Guidelines, human rights dialogues are an acceptable option only if there is sufficient commitment in the partner country to improve the human rights situation on the field; whereas the EU shall evaluate the results of the dialogues at regular intervals, so as to determine how far its expectations have been met,
- R. whereas the Council and the Commission have a responsibility to enhance the coherence and consistency of EU human rights policy by mainstreaming human rights and democratisation as objectives in all aspects of external relations, and by addressing those issues at all relevant meetings, and at all levels, with third countries,
- S. whereas mainstreaming should be defined as the incorporation of attention for human rights considerations on all levels and in all policies; it will only be effective if it is imposed and supervised by the highest levels in the Council and the Commission,
- T. whereas within the European Parliament further efforts are needed to strengthen the structures and working methods of its human rights policy; whereas, as a matter of priority, improvements are needed to ensure proper follow-up of its statements,
- U. whereas the Presidency should not only consult the EP on the main aspects and basic choices of the CFSP, but should also ensure that the views of the EP are duly taken into consideration; whereas regular information on the development and implementation of the Union's CFSP is the responsibility of the Presidency and the Commission,
- V. whereas ways and means need to be found to strengthen Parliament's position in ensuring proper accountability of the Council and the Commission in the execution of policy, in particular in respect of the implementation of human rights clauses,
- W. whereas human rights issues can, by their very nature, require immediate reactions; whereas the mechanisms provided under the current Rules of Procedure do not enable Members of Parliament to put questions to the Council and the Commission for urgent reply; whereas replies by the Council to parliamentary questions for written answer are always extremely delayed and too often vague and superficial,

### *Freedom of Thought, Conscience and Religion*

- X. whereas religious freedom, as enshrined in Article 18 of the Universal Declaration on Human Rights, is defined as everyone's "right to freedom of thought, conscience and religion" and "includes freedom to change his religion or belief, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance"; whereas the right not to confess any religion is implied and deserves equal protection,
- Y. whereas religions, beliefs and non-beliefs belong to the realm of individual freedom; whereas religions and beliefs form a reference system on the meaning of life and satisfy the spiritual needs of believers, who form more than 90% of the world's population,
- Z. whereas it is incumbent on governments to ensure that the rights of all persons to freedom of religion and belief or non-belief are fully protected,
- AA. whereas freedom of thought, conscience and religion is arbitrarily trampled upon and violated in various parts of the world, occasionally leading to severe and violent forms of persecution, including detention, torture, enslavement and the denial of freedom of speech, assembly and association, the threat of punishment for converting to another faith, and bans on missionaries,
- AB. whereas the State should, by definition, be areligious and whereas, in the absence of separation between State and religion or belief, it is sometimes difficult for believers or non-believers to live together peacefully, and problems for minority groups may arise,
- AC. whereas single-party regimes are responsible for policies of oppression and serious violations of religious freedom, in particular in Lao PDR, Vietnam, Cuba and the People's Republic of China,
- AD. whereas many different types of barriers to freedom of thought, conscience and religion exist in the world today at state level, such as attempts to control or impose a religious belief or practice, hostility towards minority or non-approved beliefs, neglect of violations of freedom of thought, conscience and religion and discriminatory legislation and policies,
- AE. whereas the promotion and protection of the rights of minorities of any type contribute to political and social stability and to peace, and can enrich the cultural heritage of society as a whole,
- AF. whereas serious instances of intolerance, discrimination and acts of violence based on a misinterpretation of religion or belief occur in many parts of the world, including acts of intimidation and coercion motivated by religious extremism,
- AG. whereas religions, either in moderate or radical movements, often step in to fulfil tasks left untended by governments, in such areas as health and education,
- AH. whereas religions are increasingly instrumentalised for political purposes, in particular in the case of struggles for power or in the framework of ethnic disputes, and can be easily misused to inflame conflicts; whereas 12 of the current 30 major conflicts are related to religion,



- AI. whereas traditional peaceful relations between religions have been disturbed by power struggles, for example in the Balkan region, the Moluccas, Nigeria, Sudan, Pakistan and India, where clashes which have principally affected the minority group are witnessed between Muslims and Christians, or Hindus and Muslims and other religious minorities,
- AJ. whereas it is vital to distinguish between religion as belief and peaceful worship, and religion as a vehicle to foster hatred and violence against others,
- AK. whereas a rise in the religiously motivated use of violence can be perceived world-wide, causing increased tensions between or within religions or beliefs,
- AL. whereas religious and atheistic extremism undermines the possibility of different communities living together peacefully and calmly; whereas, therefore, by definition, it poses a threat to the right to freedom of religion and belief,
- AM. whereas the rise of religious extremism occasionally manifests itself through violence and protest against the values of modern society such as religious tolerance, freedom of expression, secularism, democracy and pluralism,
- AN. whereas the causes of rising extremism are multiple, with roots lying in elements of an economic, sociological, historical and/or political nature, and there is no single solution to combat the phenomenon,
- AO. whereas the expansion of extremist interpretations of religion is being fuelled by groups that are increasingly well organised and that seem to dispose of major financial resources,
- AP. whereas muslim extremism is particularly strong in the more advanced and apparently more secular Muslim societies, such as Algeria, Egypt, Lebanon and Tunisia, and is expanding notably in parts of Asia and Africa;
- AQ. whereas the repressive and anti-democratic policies too often conducted by the governments of the above-mentioned countries merely serve to bolster the extremist movements they claim to be combating by weakening the representatives of the democratic opposition,
- AR. whereas religious fanaticism may even appear in countries hitherto considered as secular in which there has traditionally been a separation between State and religion or belief, and whereas this new situation is tending to spread to countries which are politically more vulnerable;
- AS. whereas immutable and extreme interpretations of Sharia are prevalent in particular in countries such as Saudi Arabia and Iran, as well as in Sudan, Somalia and Nigeria,
- AT. whereas in several countries with a strong Muslim population, such as (the North of) Nigeria, Sudan and Pakistan, the re-establishment of Sharia and other practices perceived to be contrary to universal human rights can be witnessed,
- AU. whereas, in this connection, the references to Sharia contained in the Afghan draft constitution are of great concern,
- AV. whereas the rights of women and girls, as well as of other vulnerable groups of society, are in particular threatened by unacceptable practices, such as burning, stoning, female

genital mutilation, child marriages or forced marriages in the name of culture, traditional practices, customs, or religion, which grant these groups an inferior social position and status,

- AW. whereas religious extremism may nurture other religious extremism, as is the case, for example, in the Asian sub-continent, where in Pakistan, Indonesia and India extremism of one religion provokes extremism of another and vice versa,
- AX. whereas fundamentalism is a growing threat to equal constitutional rights and access to justice for millions of people in India, especially for Muslim and Christian minorities,
- AY. whereas anti-conversion laws, such as those adopted or proposed in India and Sri Lanka, could easily be abused in practice to suppress religious minorities,
- AZ. whereas it is unacceptable to claim to have or to exercise political authority in the name of a religion or of another philosophy of life,
- BA. whereas the potential increase in violence and human rights violations resulting from the upsurge of religious and totalitarian secular extremism worldwide calls for a determined and broadbased reaction from the European Union and European society,
- BB. whereas globalisation has led to intensified interactions between people worldwide, making more urgent the necessity for tolerance with respect to beliefs and freedom of conscience, as well as the need to demand respect for people with religious backgrounds, in order to avoid conflicts between value systems,
- BC. whereas there is a risk of stigmatisation of religions based on a general misconception and ignorance of the culture and religion of the 'other', and which in itself can amount to a threat to religious freedom,
- BD. whereas the media can play an important role in diffusing knowledge and adequate information on beliefs and cultures, and in promoting mutual understanding between people from different religious backgrounds; whereas they should therefore avoid creating stereotyped images of other beliefs, whilst recognising their obligation to report truthfully where religious intolerance exists,
1. Human rights are the cornerstone of all internal and external policies of the European Union; urges, therefore, the Council and the Commission to speak out clearly against violations of human rights wherever they take place; is strongly concerned by a possible marginalisation of human rights vis-à-vis security-related, economic and political priorities;
  2. Strongly supports the Council's intention to achieve a more effective and visible EU human rights and democratisation policy through increased coherence and consistency between Community action and the CFSP, mainstreaming, greater openness and regular identification and the review of priority action;
  3. Calls on the Council, the Commission and the Member States to stress the concept of human rights protection and the rule of law as an integral and essential component of conflict resolution and a long-term engagement in post-conflict reconstruction;

4. Calls on the Council, the Commission and the Member States to take the necessary steps to put into practice the measures contained in the COHOM report on the implementation of the follow-up to the general Affairs Council conclusions of 25 June 2001, which the Council endorsed on 10 December 2002, and to report to Parliament on progress achieved by the end of 2003;

### *Human Rights Clause*

5. Calls on the Council and the Commission to present the human rights clause as a commitment by both parties to the agreement to respect human rights and to use the clause to induce positive change; believes, however, that if this strategy should fail, consequences should be drawn and the clause should come to full application;
6. Considers that the implementation of the human rights clause in association and cooperation agreements depends primarily on the political will of the EU to exert adequate pressure on the country concerned, and on assigning priority to human rights issues over economic, security and other political interests;
7. Takes the view that Member States which support, maintain in power or even bring to power undemocratic regimes in pursuit of their national policy to secure their own economic, military and other interests vis-à-vis third countries and which, thereby, place themselves in actual opposition to the objectives of the association and cooperation agreements in the fields of human rights, democracy and good governance, must be accountable at all times in this respect to the other Member States and the European Parliament;
8. Stresses, however, that the lack of a clear implementation mechanism hinders the effectiveness of the clause; considers the implementation mechanism of the Cotonou Agreement as exemplary for its provisions on consultations, suspension and participation by civil society;
9. Calls on the Commission to make the necessary proposal for an implementation mechanism of the human rights clause in order to maintain explicit pressure for significant improvements of the human rights situation in the countries concerned and to encourage sections of society that are in favour of promoting democracy and respect for human rights;
10. Calls on the Commission and the Council to set up and make available to the public benchmarks for incentive and restrictive measures to be applied in order to enhance openness and credibility in the process of implementation of the clause, whilst recognising that certain latitude needs to be given in determining how best to achieve these objectives;
11. Urges the Council and the Commission to set in motion structured dialogue procedures for the regular assessment of compliance by partner states with their human rights obligations;
12. Calls on the Council to set up, in its function as part of the Association and Cooperation Councils, specific subcommittees on human rights which are clearly linked to the highest level of political dialogue, with a view to implementing Article 2 of the Agreement;

13. Calls on the Commission and the Council to establish working groups or human rights round tables as part of a systematic methodology to implement the human rights clause; those working groups should aim at monitoring the country's human rights situation on the basis of existing monitoring instruments, propose specific action for improvement, including timetabling and benchmarking; the working groups should include representatives of civil society, NGOs, human rights institutions from the EU and the partner country; Members of Parliament should be invited to participate;
14. Calls on the Commission to collect and assess, together with EU Missions, information on specific violations of human rights, with particular attention to women's rights - such as the practice of infibulation and of other forms of female genital mutilation - children's rights and the rights of disabled people in third countries, as an essential part of its monitoring role, above all with regard to those countries which are bound by a human rights clause contained in their agreements with the EU;
15. Recommends that, in addition to systematic human rights reporting, checklists be developed, as well as training programmes and handbooks to assist officials;
16. Deplores once again the fact that Parliament is not involved in the decision-making process for initiating consultations or suspending an agreement; strongly insists, therefore, on being fully informed in good time of any such measures being taken; insists, furthermore, that its views on the type of clause to be negotiated in future agreements be taken into due consideration;

### ***Sanctions***

17. Calls on the Commission and the Council to apply the restrictive and suspensive measures on the basis of a less lenient assessment of the seriousness of the situation, which would otherwise be to the detriment of the clause's effectiveness and to the discredit of the legal value which should be attached to the human rights clause;
18. Calls on the Council and the Commission effectively to implement restrictive measures adopted by the EU, so that they do not remain mere expressions of disapproval;
19. Calls on the Council, the Commission and Member States effectively to enforce EU sanction policies in furtherance of human rights and to ensure that actions are not taken which deliberately undermine such policies, as in the case of Zimbabwe where the impact of targeted sanctions has been regularly undermined because of loopholes;
20. Calls for a periodic review of sanction policies in order to assess and enhance their effectiveness;

### ***Human rights dialogue and political dialogue***

21. Expresses its view that human rights dialogues between the EU and third countries must not be turned into mere talking-shops, or be confined to exchanges of views on cultural and historical differences; instead, benchmarks for progress to be achieved and reflected on the field have to be established;
22. Although fully aware of the sensitivity of the issues and the occasional need for discretion in talks, urges the Council to be consistent with its own commitment to openness in

- relation to the EU human rights issues being discussed under the political dialogue and the human rights dialogue;
23. Calls on the Council to initiate, under the political dialogue, specific dialogues on human rights with the associated countries of the Mediterranean region, with countries linked to the EU in partnership and cooperation agreements, such as Russia and Ukraine and the countries of South Caucasus, as well as in the context of stabilisation and association agreements with the countries of the Western Balkans;
  24. Requests that procedures for dialogue between governments and civil society be included in all association and cooperation agreements, through renegotiations or as joint declarations, in order to highlight the role of civil society and to promote mutual trust between the parties; stresses, in this regard, the uniqueness of the Cotonou Agreement, which involves civil society in a dialogue with governments and in development projects;
  25. Encourages the Gulf Cooperation Council (GCC) to make progress with the establishment of a human rights round table, with the aim of facilitating dialogue between the GCC and the EU on human rights issues;
  26. Calls on the Council and the Commission to raise the issue of the detention of men in Egyptian prisons on the basis of their alleged homosexuality and "habitual debauchery" and is concerned at the entrapment of homosexual men via the internet;
  27. Calls on the Council to act in accordance with the EU guidelines on the human rights dialogue, and to assess the EU human rights dialogues with Iran and China on an annual basis;
  28. Regrets that, although the EU is committed to raising its concerns about human rights in meetings with China at all levels, the EU-China Summit of September 2002 did not take up any of the EU concerns on the situation in that country;
  29. Regrets that the US has not acceded to, or does not fully adhere to, major international agreements of international human rights law and humanitarian law, such as those protecting the rights of the child, abolishing the death penalty and safeguarding the treatment of prisoners of war in the wake of the recent conflicts; in particular, urges the US to accede to the Statute of the International Criminal Court; urges, in addition, the Council and the Commission to incorporate these questions into the agenda of the political dialogue with the United States;
  30. Shares the view that it remains fundamental to rebuild the juridical and legal infrastructure, as well as strengthen the independent Human Rights Commission and its capacity to monitor human rights and carry out investigations of human rights violations; calls for the reinforcement of international assistance in these areas; considers it imperative that a swift, objective investigation of all human rights violations and war crimes be carried out; calls on the Member States to assist the United Nations in its efforts to investigate war crimes and human rights violations;
  31. Calls on the Chinese Government to agree on the earliest possible date for the formally issued invitation to the UN High Commissioner for Human Rights, the UN Special Rapporteurs on Torture and on Education, and the Chair of the Working Group on

Arbitrary Detention; calls on the Chinese Government formally to invite the UN Special Rapporteur on Religious Freedom;

32. Considers that Iran's readiness to enter into a human rights dialogue with no preconditions is a positive development with a view to the normalisation of relations between the EU and Iran;
33. Expresses its view that a failure of the human rights dialogue with Iran would have a direct impact on the negotiations on the trade and cooperation agreement, since the guidelines on human rights dialogues establish that progress on the field is decisive and the Council's conclusions of 17 June 2002 clearly link progress in the negotiation of the agreement to progress made under the political dialogue, human rights being an integral part of it;
34. Calls on the Iranian Government to receive the UN Special Rapporteurs on Freedom of Expression and on Violence against Women at the earliest possible date; considers that the visits of the Working Group on Arbitrary Detention, in February 2003, and of the Working Group on Enforced or Involuntary Disappearances, in June 2003, are a positive development, provided that their recommendations are implemented;
35. Condemns the use of stoning and all forms of degrading and cruel punishment, notably in Iran, Nigeria and Saudi Arabia; urges the Council and the Commission to insist in their political dialogue with governments on the abolition of these practices;
36. Takes note of the de facto moratorium on the imposition of sentences to death by stoning in Iran; urges the Iranian Government definitively to abolish this practice;
37. Calls on the Council, the Commission and the Iranian authorities to ensure that all relevant international and Iranian NGOs, as well as MEPs and Iranian parliamentarians, are included in the Round Table of the EU-Iran human rights dialogue, in order to benefit from human rights expertise;
38. Calls on the Council and the Commission to cooperate closely with human rights organisations in Iran and China and the relevant UN human rights bodies, so as to ensure that the list of political prisoners submitted to the Iranian and Chinese authorities at the human rights dialogue is updated and that information received by the EU through the dialogue is shared with those bodies;
39. Calls on the Council to deepen the discussions, in the context of the Round Table of the human rights dialogue with Iran, on the rights of minorities, the death penalty, corporal punishments, and freedom of association;
40. Condemns the approval by the Knesset of a draft law prohibiting Palestinians from obtaining Israeli citizenship by marriage; calls on the Israeli government not to ratify or apply this discriminatory and racist law;
41. Calls on the Commission to ensure continuity of networking, funding for coordination and follow-up of the human rights dialogues' round tables, and to support the establishment of a permanent pool of human rights experts in the countries concerned, as a contribution to building up valuable human rights expertise;

42. Deplores the fact that, contrary to its request that Council take a strong political initiative to ensure rigorous scrutiny of the Russian Government's conduct in Chechnya, the issue was not dealt with as a key topic in the framework of the EU political dialogue at the EU-Russia Summits in 2002, nor at the EU-Russia Cooperation Council meeting in March 2003;
43. Calls on the Council to urge the Russian Government effectively to combat impunity in relation to violations of international human rights and humanitarian law, including possible war crimes; insists on an international inquiry commission on human rights abuses committed by the Russian security forces and by the Chechen fighters, if Russia does not prove to be engaged in national inquiries;
44. Reiterates its call on Russia to grant international humanitarian organisations, independent media and human rights monitors unhindered access to Chechnya, and to ensure that repatriation of internally displaced persons and refugees to Chechnya take place on the basis of full respect for the principles of humanitarian international law and exclusively on a voluntary basis;
45. Condemns the continuing abduction of civilians and foreign nationals in Chechnya and calls upon all parties concerned to secure the immediate release of all hostages;
46. Calls on the Council to urge the Russian Government to ensure the renewal of the full mandate of the OSCE Assistance Group to Chechnya as soon as possible, in order to contribute to the coordination of humanitarian assistance, conflict solution, prevent human rights violations, and support mechanisms for maintaining law and order in Chechnya;
47. Calls on the European Union and the Member States to be vigilant and active on behalf of citizens persecuted or imprisoned for their scientific, environmental or humanitarian commitments or positions, and to acknowledge their existence in legislation, in the same way as political prisoners; recalls in this connection the case of the Belarusian scientist Yuri Bandzhevsky, sentenced to 8 years' hard labour for denouncing the health situation in Belarus after the explosion of the Chernobyl nuclear power plant;

#### ***UN Commission on Human Rights***

48. Stresses that the human rights dialogue should not be considered as a replacement for the mechanisms of the UN Commission on Human Rights or UN General Assembly resolutions, but should go hand-in-hand with independent monitoring and regular reporting by the UN Special Rapporteur on the human rights situation in the country concerned;
49. Expresses its concern that the value of the UN Commission on Human Rights, as the world's primary body dealing with human rights, risks being substantially diminished by the regrettable tendency to become highly politicised; regrets that debates and resolutions do not reflect the human rights situation but rather the mobilisation of support for countries that are accused of human rights violations; no-action motions against resolutions often succeed, following high profile campaigns by the countries concerned; urges for all necessary reform to reverse the politicising process and thereby maintain the credibility of this important forum;

50. Regrets the UN Member States' election of Libya, a country hardly conspicuous for its respect for human freedoms and rights, to chair the UN Commission on Human Rights;
51. Takes the view that conditions should be laid down to govern membership of the UN Commission on Human Rights, such as the signing, ratification and implementation of international human rights conventions and the admission to the country concerned of a special UN rapporteur; takes the view, further, that there should be a shift in the rule governing decision-making in the UN Commission from unanimity to that of a two-thirds majority;
52. Regrets that the EU action taken at the 59th session of the UN Commission on Human Rights only partly reflects Parliament's position, and insists that the EU Presidency give full consideration to Parliament's priorities at future sessions; expresses, in particular, its disappointment that the EU, contrary to Parliament's request, did not sponsor any resolution on China or Iran;
53. Welcomes EU initiatives tabled at the 59th session of the UNCHR, including 11 country resolutions and 2 thematic resolutions, and the numerous resolutions it co-sponsored, making the EU one of the most active players at the UNCHR;
54. Regrets that in 2002 and in 2003 the UN Commission on Human Rights rejected the EU-sponsored resolution on Chechnya by a majority of one; regrets that a resolution on the human rights situation in Zimbabwe was blocked at both UN sessions through a no-action motion;
55. Regrets the UNCHR's rejection of the resolution on Cuba which condemned the long prison sentences given in April 2003 to 78 peaceful pro-democracy activists and criticised the summary trials to which they were subjected; expects a fresh and impartial trial in a court of law and calls on the Cuban Government to enable a UN human rights envoy to visit the island as soon as possible in order to report on the situation concerning fundamental freedoms and rights in Cuba;
56. Reaffirms its call on the Council and the Commission to be fully committed, in the EU's political and human rights dialogues with the countries concerned, to the implementation of resolutions initiated by the EU at the UN Commission on Human Rights, and to taking into due consideration the recommendations of the UN Special Rapporteurs and the resolutions of Parliament;
57. Decides to hold an annual debate with the Council and the Commission in order to evaluate the outcome of the United Nations Commission on Human Rights and the role played by the EU in the Commission;
58. Recommends seeking, in close cooperation with the Council, arrangements to allow the President of the European Parliament to make a policy statement on behalf of the EP at the annual sessions of the UN Commission on Human Rights;
59. Asks its Conference of Presidents to consider a permanent presentation on administrative level resident in Geneva during the sessions of the UN Commission on Human Rights;
60. Calls on the Member States to undertake with the UN Member States that the financial resources provided for the Office of the High Commissioner for Human Rights from the



regular budget of the UN will be increased, not least in the light of the new responsibilities in Iraq;

61. Calls for strengthened consultation, cooperation and coordination between the EU and the UN, in particular the Office of the High Commissioner for Human Rights, the OSCE and the Council of Europe, with respect to policy formulation, programmes and projects;
62. Calls on the Commission, the Council and the Member States to strongly support initiatives to promote and enhance the fight against caste discrimination in all relevant United Nations fora, particularly UN human rights bodies, the ILO and the World Bank, and to promote the call for a Special Rapporteur on caste discrimination;

### *Effectiveness of EU human rights policy*

63. Calls on the Commission and the Council to review and better coordinate all ongoing mainstreaming activities within the EU, by agreeing to a clear definition and methodology of mainstreaming as well as being attentive to lessons learnt in other sectors, international organisations and countries; calls on the EU Member States to mainstream human rights in relations with third countries and to share experiences and coordinate with other Member States and EU institutions;
64. Notes that the new annual programming strategy of the Council and the Commission aim at achieving a greater degree of cohesion, mainly through strengthened coordination at interinstitutional level and between successive Presidencies,
65. Reaffirms its view that the Institutions should define annual priorities and political action in a constructive dialogue in order to further strengthen the integrated political programming process of the Union; calls, therefore, on the Council to include Parliament in the dialogue on its Operational Programme for 2004;
66. Decides to hold an annual debate, with the Council and the Commission, on 'Human Rights Guidelines for External Action by the EU', in order to feed into the Council's orientation debate on external policy priorities and into discussions on how to improve the effectiveness of EU action on the field;
67. Deplores the fact that neither the Operational Programme of the Council for 2003, nor the EU Presidencies' programmes, outline any specific human rights agenda for a particular country or region;
68. Stresses that the inconsistency of diverging political agendas under successive presidencies can only be avoided and continuity of action guaranteed if programming of EU human rights and democratisation policy is based on a long-term agenda with clearly identified objectives and measures for their implementation;
69. Recommends that human rights and democracy issues should be reserved as a permanent item on the agenda of the Council for External Relations meetings;
70. Calls on the Commission to further develop the integration of human rights and democratisation aspects in the country strategy papers, with the aim of ensuring that all external cooperation programmes take into account human rights priorities for third

countries, so as to complement effectively the funds for human rights projects under the European Initiative for Democracy and Human Rights;

71. Calls on the Council and the Commission to introduce a systematic human rights impact assessment at the level of policy formulation and with regard to the implementation of the external assistance programmes; underlines, in this regard, that a 'sustainable development impact assessment' is already undertaken in relation to EU trade policy; stresses that the impact assessment must be fully consistent with the EU guidelines on the death penalty and torture;
72. Calls on the Presidency and the Commission to promote the setting up of a 'European Network on Human Rights and Democracy in External Relations', to be established with the human rights policy directorates of foreign ministries and national human rights institutes of Member States and candidate countries, the EU Missions in third countries, the European Commission's External Service, with the relevant bodies of the Council and the European Parliament, with regional and international organisations such as the UN, the Council of Europe, the OSCE/ODIHR, as well as with international NGOs;
73. Considers that the Network's main objectives should be to increase human rights expertise at national and interinstitutional level, to contribute to EU human rights policy-making and implementation, to strengthen openness and exchange of information in the field, and to improve links between interrelated services; recommends that the Network interact through the exchange of information online, through a specific website to be set up and through seminars being organised on related subjects;
74. Stresses the necessity of providing specific human rights training for diplomats serving in the Commission's External Service and in EU Missions;

#### ***Interaction of the European Parliament with the Council***

75. Reiterates its firm belief that the Council's interaction with Parliament on human rights issues is far from satisfactory; urges the Council to substantially improve the flow of information to Parliament on action taken on human rights policy and to respond more positively to Parliament's positions and statements, in particular as expressed in Urgent Resolutions, so that Parliament can contribute more effectively to the implementation of EU human rights policy;
76. Expects major progress in dialogue with the Council following its conclusions of December 2002; calls on the Council to respect its intention to work more closely with its Foreign Affairs Committee, to consider elaborating more developed reactions to Parliament's annual report on human rights as well as to its resolutions on human rights issues in general;
77. Reiterates its call on the Council to react comprehensively on the EP annual report on human rights, in the context of the EU annual report and, as an early reaction after the adoption of the EP Report, in the form of a written follow-up paper; expects that the Council's reaction will give a clear indication of whether or not, and if so for what reason, it plans to implement Parliament's requests;
78. Reiterates its call on the Council and the Commission to improve the EU annual report's structure; insists that the report should provide an analysis of the impact of the EU actions

and an assessment of compliance with human rights clauses in agreements with third countries;

79. Calls on the Council to report, at ministerial level and at least once during each Presidency, to its committee responsible on the follow-up of EP resolutions, in particular on resolutions on cases of breaches of human rights, democracy and the rule of law;
80. Insists that Council's reporting should also include an assessment of the human rights dialogues and issues being discussed under the political dialogue, with the emphasis on human rights in the framework of Association/Cooperation Council meetings and EU Summits with third countries, the EU position taken at the UN Commission on Human Rights and at the UN General Assembly;
81. Calls on the Council to arrange for the participation of the chair of the Council's working group on human rights (COHOM) in meetings of its committee responsible; expects the Council's representative to be prepared to answer ad hoc questions on urgent matters put forward by Members;
82. Calls on the Council to arrange for ad hoc meetings between COHOM and the rapporteur of the EP annual report on human rights, as was already the case in June 2003, as well as with MEPs on a regular basis, in particular with a view to the preparation of the annual session of the UN Commission on human rights, on the occasion of the submission of the Presidency's programme related to external relations and human rights action, and as debriefings on the outcome of COHOM meetings;
83. Stresses the need to establish strengthened working relations in respect of human rights between the General Secretariat of the Council, the Commission and the secretariats of its own committees responsible, in order to enhance information and to improve pro-active initiatives by its members in this field;
84. Insists that the Council review its procedures in order to ensure that the deadlines for answering parliamentary questions for written answer be respected;
85. Calls on the Council and the Commission to regularly provide the relevant committees of the European Parliament with the agendas of the Commissioners and representatives of the Presidency, as well as a calendar of the upcoming political dialogues, in order to enable Parliament to present Council and Commission with its recommendations;

### ***European Parliament action in the field of human rights and democracy***

86. Stresses, as a matter of priority, that its own structure and working methods should be improved in order to ensure the necessary systematic follow-up of its human rights action, in particular in relation to individual cases raised, and to provide increased support for Members' initiatives;
87. Underlines, in this regard, the obvious need to strengthen its administrative capacities in the human rights field which, at present, are clearly understaffed;

88. Recommends strongly improving the mainstreaming of human rights in its external relations activities, and increasing awareness of its human rights activities;
89. Considers that all parliamentary provisions available should be used more extensively, not only for debating EU human rights policy issues, but also for providing systematic information on the follow-up of EP recommendations, in particular Oral Questions during Question Time, to be held also in committee;
90. Recommends that its committees responsible should apply more frequently the new Rules of Procedure (104a) providing additional opportunities for debating violations of human rights at committee level;
91. Stresses that meetings with parliamentarians and civil society from third countries having signed the human rights clause should contribute in a more efficient way to Parliament's monitoring of the concrete implementation of the clause;
92. Stresses that public hearings with representatives of civil society from third countries, and in particular with human rights defenders, should be systematically organised within the context of the EP assent procedure on agreements;
93. Recommends that its Conference of Delegation Chairmen agree on guidelines aimed at mainstreaming human rights issues at the level of meetings with parliamentarians from third countries; recommends, in particular, that human rights be systematically discussed, individual cases be raised, and regular exchanges of views with local NGOs be held;
94. Recommends the setting up of a committee on human rights and democracy under the forthcoming Euro-Mediterranean Parliamentary Assembly in order to allow for a more structured dialogue on human rights and democracy issues contributing to strengthened cultural sensitivity and increased effectiveness of the Euro-Mediterranean Partnership in this area;
95. Decides to strengthen and systematise contacts with former Sakarov Prize laureates with a view to guaranteeing the protective effect of the prize for laureates and monitoring the situation of human rights and fundamental freedoms in the respective countries; encourages continued support to those former Sakharov Prize laureates who suffer from oppression in their country, particularly Leyla Zana and Aung San Suu Kyi;
96. Demands therefore that the Burmese authorities immediately release from detention Aung San Suu Kyi, Leader of the National League for Democracy;
97. Expresses its commitment to become more closely involved in the democratisation process in third countries; recommends, therefore, participation by Members of Parliament, possibly in cooperation with the Council of Europe, in EU-funded projects for the training of parliamentarians from third countries in support of democracy, to enable them to contribute their expertise and exchange best practices;
98. Decides to improve, at the level of its committee secretariats, the scrutiny of questions for written answer; considers that answers relating to human rights and democracy issues should be made available to the public by placing them online;
99. Reconsiders the re-establishment of a committee for human rights;

### *Openness towards civil society*

100. Considers that human rights defenders, in particular those active in third countries, are more encouraged in their engagement when the EU explicitly and openly advocates improvement of the human rights situation in third countries in the context of the political dialogue;
101. Urges the EU to offer support to human rights activists who have testified before the Institutions once they return to their countries, and to ensure that no further measures of retaliation or intimidation are taken against them;
102. Calls on the Commission and the Council to underline, in their political dialogues with third countries, the important role of human rights defenders and their need for protection as they increasingly become targets of human rights violations, also due to counter-terrorism measures by governments, which often limit the freedom of expression and movement of human rights defenders to a disproportionate extent in comparison with their legitimate work;
103. Calls on the Council and the Commission to make every effort to guarantee the physical integrity and total independence of journalists in their work;
104. Calls on the Presidency to regularly consult and inform non-governmental organisations active in the human rights field on its activities so as to ensure that the openness achieved under the Danish Presidency will continue;
105. Calls, in particular, on the Council to make comprehensive and timely information available online, including agendas and results of COHOM meetings, human rights dialogues and political dialogues, and actions taken in human rights policy-making and implementation in relation to third countries;
106. Calls on the Commission and the Council to improve the structure of their relevant websites to better reflect the respective competencies in the field of CFSP and of Community action; calls on the Commission to better structure its websites in order to facilitate access to actors in particular in the field of project funding;
107. Calls on the Commission and the Member States to continue to brief local non-governmental organisations in third countries on EU human rights policy, consistent with the Commission's recent Communication to the Council, the European Parliament and the Economic and Social Committee on the Participation of non-state Actors in EC development policy (COM(2002) 598), and to invite them to regular reporting to EC Delegations and EU Missions on the situation in the country concerned in order to strengthen human rights impact assessment;
108. Underlines the necessity to invite representatives of third countries for participation in the EU Human Rights Forum and to widen the field of experts to trade and development;
109. Stresses, once again, that information on the role of the EU in the world, which has been selected as a priority topic of the new information and communication strategy for the European Union, should emphasise EU human rights policy with the aim of raising awareness;

### *European Initiative for Democracy and Human Rights (EIDHR)*

110. Calls on the Commission to consult Parliament on the updating of the programming document for EIDHR funding in 2004 at the earliest possible stage; calls on the Commission to engage in a prompt dialogue with the European Parliament in the light of the upcoming review of the human rights regulations which expire in 2004;
111. Takes note of the fact that the adoption of the Commission's updated priorities for EIDHR funding (in November) and the adoption of the EU budget (in December) for the budgetary year to come, creates a time gap which prevents the Commission from fully taking account of the EP budgetary remarks; decides to discuss this problem with the Commission in order to find arrangements leading to a solution;
112. Regrets successive attempts by the European Commission to reduce allocations under Article 190403 (Budget line "Development and consolidation of democracy and the rule of law - Respect for human rights and fundamental freedoms", previously B7 - 7010) in its Preliminary Draft Budget and reiterates support for the important activity financed under this heading;
113. Notes that the last report on the implementation of EIDHR projects dates back to 2000; calls on the Commission to publish these reports annually, as they constitute a useful instrument for evaluation;
114. Calls on the Council, the Commission, and the Member States to treat respect for religious freedom as a priority for action in the EU's relations with third countries and calls on them, should violations occur, to enforce sanctions similar to those provided for since 1998 in the US International Religious Freedom Act of 1998 (Public Law 105-292/105th Congress);
115. Encourages the Commission to take the reform process of the management of the EIDHR further and to make available sufficient and qualified human resources to guarantee the efficient implementation of the EIDHR programmes and to put an end to the delays in implementing the 2001 and 2002 EIDHR micro-projects schemes;
116. Advocates its participation in the regional workshops organised by the Commission on EIDHR-funded projects and the assessment of their impact;
117. Calls on the Commission, in the process of establishing a National Indicative Programme, to intensify consultation of the civil society in the relevant country on the measures proposed for promoting respect for human rights and democracy; calls on the Commission to support the participation of independent associations in implementing projects and to extend legal provisions on civil society participation already contained in the Cotonou Agreement to other countries and regions in the world;
118. Calls on the Commission to pay particular attention to women, children, ethnic and religious minorities and disabled people in the EIDHR programme and to effectively monitor the participation of civil society organisations representing the interests of these vulnerable groups in EIDHR funded projects;
119. Calls on the Commission to include Iran in the focus countries for EIDHR funding for 2004 in order to help civil society, independent media and non-governmental

organisations enhance their profile and play a decisive role in the process of democratisation of Iranian society, as well as to follow through issues discussed under the human rights dialogue; calls on the Commission and the Council to improve their co-ordination in this regard;

120. Urges the Commission to assist Russia with EIDHR-funded projects to develop the Kaliningrad region, in order to promote the quality of democracy, the rule of law and public administration;
121. Calls on the Commission to urge the Russian Government to reduce the high tax levied at more than 30% on subsidies to human rights programmes funded by foreign foundations or organisations which, for obvious reasons, hampers implementation of these kinds of projects;
122. Deplores that the Commission's increased financial support for the prevention of torture has been to the detriment of funding for organisations offering concrete assistance and rehabilitation to victims of torture; urges the Commission to allocate balanced funding to both: the prevention and continuous support and rehabilitation of victims of torture;
123. Calls on the Commission to focus on the social reintegration of prisoners through EIDHR-funded projects; calls on the Commission to pay special attention to the situation of the most vulnerable groups of detainees, such as juveniles, women, foreigners, people from ethnic and religious minorities, homosexuals and victims of torture;

#### ***Freedom of Thought, Conscience and Religion***

124. Calls on the Council and the Commission to respond effectively in the event of serious and persistent violations of freedom of thought, conscience and religion in third countries, by taking clear positions towards the governments concerned and by avoiding double standards;
125. Calls on the Council and the Commission systematically to emphasise in discussions under the political dialogue the importance of protecting the fundamental freedom of religion and belief or non-belief, not only by way of writing those freedoms into the constitution or penal code, but by putting them into practice;
126. Calls on the Council and the Commission to set up guidelines for EU policy towards third countries on freedom of religion and freedom of expression;
127. Calls upon the Council, the Commission and the Member States to insist, if necessary, on freedom of conscience in their contacts with third countries and to call upon their governments to respect conscientious objections of those working in the public services, be it the administration, health care, or military, as well as in other relevant sectors;
128. Condemns all forms of violations by the State of the right to religious freedom, which is manifest under totalitarian regimes that suppress and attempt to control religious belief and simple worship, as well as when discriminatory legislation or policies are used against minorities and non-approved religions, and in the case of the state neglecting the problem of discrimination against, or persecution of, minorities or non-approved religions; urges those governments to respect international human rights law and guarantee freedom of thought, conscience and religion;

129. Reiterates its call upon the Chinese government to immediately stop the prosecution and large-scale defamation campaigns of Falun Gong and its practitioners; urges the Chinese government to end all arrests, torture, killings, brainwashing and restrictions on freedom of speech and assembly of members of this movement;
130. Expresses its solidarity with the Montagnard Christian populations who have suffered violent repression for decades at the hands of the Hanoi authorities, and calls on the Vietnamese Government to put an end to its policies of oppression and extermination;
131. Notes the first positive steps taken by the Vietnamese Prime Minister vis-à-vis the Patriarch of the Unified Buddhist Church, banned by the regime for more than 20 years, but emphasises that the Vietnamese Government must take practical measures without delay to guarantee religious freedom and respect for fundamental rights, starting by ensuring full freedom of movement, expression and religion for the Venerable Thich Quang Do, who was released in June 2003 but is still subject to strict police controls, and by re-establishing the legitimate status of the banned United Buddhist Church;
132. Condemns also the constant violations of fundamental rights in the Lao PDR and the policies of brutal and constant oppression to which the Hmong populations and christian populations are subjected;
133. Calls on the Council and the Commission to discuss, under the political dialogues with the Indian Government, the threat posed to human rights, and in particular to religious freedom, by the current 'anti-conversion laws', an abuse of Hinduism for nationalistic purposes, and the situation in Gujarat;
134. Deplores the violence directed against members of minority communities in Pakistan and, in particular, those from the Christian and Ahmadi communities and the government's failure to protect those individuals; deplores also the arbitrary application of the law of blasphemy;
135. Considers that the European Union, on the basis of the separation of church and state, should encourage representatives of different religions to develop a policy designed to improve tolerance, mutual understanding and respect for different cultural and religious communities, inside as well as outside the European Union;
136. Strongly disapproves the recent rejection of the proposals to give legal recognition to unions between homosexual persons, issued by the Congregation for the Doctrine of the Faith of the Vatican;
137. Calls on the Council and the Commission to enter into regular dialogues with local religious communities in order to establish a deeper understanding of religion's potential role in an open society, and to discuss how Member States deal with secularism and religious freedom; guiding principles should be provided to organise these consultations and to outline relevant criteria for participating partners;
138. Calls on the EU, in its discussions on freedom of thought, conscience and religion with third countries, to use the international human rights standards as the ultimate yardstick; urges it, at the same time, to seek points of reference in the convictions, values and norms of the counterpart, with a view to abolishing horrific punishments or practices that occur in the name of religion and which violate human freedoms and rights, in particular in the



case of the application of the Sharia; also, calls on the European Union to encourage the development of alternative punishments and of laws compatible with international human rights standards;

139. Calls on the Council and the Commission to address the issue of religious freedom and freedom of conscience in the referential framework of general human values, and to encourage religious leaders to interpret their texts in such a way as to uphold those values;
140. Considers that the Cairo Declaration on Human Rights in Islam (1991) and the Arab Charter on Human Rights (1994) are partly in blatant contradiction with the Universal Declaration of Human Rights; calls, therefore, on the Council and the Commission to invite leaders of the Islamic world to compare their vision of Islamic laws with that Declaration, in order to lift bans and threats against changing religion and avoid excesses such as inhumane punishments or practices and give priority to alternative punishments;
141. Calls on the Council and the Commission to enter into dialogue with leading Islamic scholars to identify and highlight punishments which are described as 'Sharia' but which are in reality nothing more than tribal customs;
142. Expresses deep concern at the growth of religious extremism in Pakistan and the imposition of Sharia law in the North West Frontier Province by an alliance of religious fundamentalist parties;
143. Calls on the Commission to fund external aid projects in support of victims of violations of religious freedom, in particular those persecuted because of their faith, as well as victims of culturally or religiously motivated barbaric practices, such as stoning, female genital mutilation, amputation and arranged marriages involving coercion;
144. Reiterates that measures aimed at combating female genital mutilation must involve the communities concerned and tally with their situation, so as to ensure that they become convinced of the need to eradicate such practices;
145. Calls on the Council and the Commission to make the early identification of abuses of religion for political purposes a priority in the EU human rights policy, and, on the basis of dialogue with the relevant leaders, to seek to prevent violent religious extremism;
146. Calls on the Commission to encourage and assist, where possible, third countries in taking all necessary action to combat violence, hatred, intimidation and coercion motivated by intolerance based on religion, belief or non-belief, with particular regard to religious and philosophical minorities and to practices which discriminate against women and violate their human rights;
147. Underlines the key role of education in deepening mutual understanding and respect for different religions; calls, therefore, on the Commission, by means of a constructive but impartial attitude towards religions, to foster mutual acceptance among citizens of differing faiths; takes the view that incitement to hatred should be a criminal offence, including when it occurs in the sphere of education; calls on the Commission, Council and Member States to ensure that they do not fund school books and other material which promotes religious or other hatred; considers that access to modern communications technologies and language courses can facilitate inter-cultural exchanges, tolerance and understanding for other religions within and outside the European Union;

148. Considers that the media should be discouraged from creating stereotyped images of other religions as enemies, through, for instance, raising cultural awareness amongst them;
149. Calls on the Council, the Commission and the Member States to place the emphasis, in the training modules for their staff dealing with external relations, on acquiring a thorough knowledge of the values and practices of different cultures and religions in order to deepen their cultural sensitivity;
150. Calls on the Commission to promote structures for inter-cultural and inter-religious dialogue and to provide the necessary funding;
151. Recommends deepening the inter-cultural dialogue between the EU and third countries around specific themes, such as the right to change or renounce one's faith, women's rights and the rule of law compatible with international human rights standards, and intensifying the dialogue with the participation of Members of the European Parliament, government representatives, parliamentarians, academics and representatives of civil society from both the EU Member States and third countries;
152. Welcomes the initiative of the President of the Commission in setting up a 'High-Level Advisory Group on Dialogue between Peoples and Cultures' with a view to stepping up an inter-cultural dialogue with and between the countries and societies on the Mediterranean's southern shore, based on the key principles of equality, co-ownership and cross-fertilisation, and aimed at strengthening internal cohesion within EU societies;
153. Expects that the findings of the Advisory Group's report, scheduled for late September 2003, will identify practical approaches and specific measures for fostering inter-cultural dialogue, and will be given operational follow-up not only by the Commission but also by Member States and the Mediterranean partners at national and local level;
154. Stresses the importance of a permanent structure for inter-cultural and inter-religious dialogue, and calls on Member States and the Mediterranean partner countries for the prompt creation of the Euro-Mediterranean Foundation, decided upon at the Ministerial Conference in Valencia in April 2002; underlines that the Foundation should act as a catalyst for inter-cultural dialogue involving the general public, particularly in the education system, and encourage more positive media involvement;
155. Calls on the Commission to work in close cooperation with 'inter-cultural and inter-religious dialogue' initiatives undertaken in the framework of the Council of Europe, the OSCE, the UNHCHR, and other national and international fora, in order to avoid duplication and to enhance experience and knowledge of the subject;
156. Is deeply concerned at the repeated infringements of the freedom of the press, particularly in Morocco, Algeria and Tunisia;

### *Thematic issues*

157. Reaffirms that States must ensure that any measure taken to combat terrorism comply with their obligations under international law, in particular international human rights, refugee and humanitarian law; reiterates its call for a UN mechanism to be established in order to monitor and analyse the human rights impact of counter-terrorism measures;

158. Calls upon Member States, the accession countries and all third countries to consider as a matter of urgency the need to sign and ratify the Optional Protocol to the UN Convention Against Torture, and to provide sufficient funding to ensure that the treaty serves its intended purpose;
159. Calls on the Presidency and Member States to ensure the early adoption of the Commission's proposal of 30 December 2002 relating to restrictions on trade in equipment used for capital punishment, torture or other cruel, inhuman or degrading treatment;
160. Calls on the Council and the Commission to prioritise the issue of trafficking in women and children in their political dialogue with the countries concerned; urges Member States and candidate countries to transpose swiftly Council's framework decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings<sup>1</sup>; calls for the early ratification of the UN Protocol on trafficking, which supplements the UN Convention against transnational organised crime;
161. Calls on the Council and the Commission to support the fight against slavery in affected countries, including, in particular, the situation of bonded child labour; urges the governments of these countries to investigate the full extent of the problem and institute measures for the eradication of this gross violation, such as mechanisms for release and rehabilitation;
162. Calls on the Council and the Commission to address and take concrete measures on the issue of caste discrimination in political dialogues and in EU development and trade cooperation with the countries concerned; calls for the establishment of bilateral consultative mechanisms on the issue and support for the emancipation of the Dalits through external assistance programmes; urges the EU to avail of every opportunity to ensure that the General Recommendation XXIX on Descent-based Discrimination, adopted by the UN Committee on the Elimination of Racial Discrimination in August 2002 be given the widest recognition in terms of implementation;
163. Calls on the Council to include in its human rights report an analysis on caste-based discrimination, as well as factual reports and a critical assessment of the effectiveness of the EU's Human Rights Policy in terms of addressing caste discrimination;
164. Calls on the Commission to propose a legal framework for combating the illegal economic exploitation of third countries by private companies from the EU, and for independent monitoring of compliance of Council Regulation (EC) No 254/2003 of 11 February 2003 amending Regulation (EC) No 2368/2002 implementing the Kimberly Process certification scheme for the international trade in rough diamonds<sup>2</sup>;
165. Supports the efforts undertaken by the ILO to bring about a permanent elimination of forced labour in all countries concerned; reiterates its call to the Council to strengthen its common position so as to include a foreign investment ban in order to stop international business from profiting from the widespread and systematic use of forced labour;

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<sup>1</sup> OJ L 203, 1.8.2002, p.1.

<sup>2</sup> OJ L 36, 12.2.2003, p. 7.

166. Calls upon the Council and the Commission to address and take concrete measures in respect of countries which have laws that discriminate on the grounds of sexual orientation;
167. Calls upon the Council to take every possible step to stop the exploitation of workers and to end the repression of trade-unions and the killings of trade-unionists; urges the European Union to investigate thoroughly on the situation of trade unions and trade unionists in all countries which have cooperation agreements with Europe;

### ***Death penalty***

168. Reaffirms its view that the EU must continue to work towards the universal abolition of the death penalty; calls upon all States which still retain the death penalty in their penal legislation to establish a moratorium on all pending executions with a view to abolishing the death penalty completely;
169. Urges all States which still maintain the death penalty to act in accordance with resolution 2003/67 adopted at the 59th session of the UN Commission on Human Rights, which calls for the death penalty not to be imposed for non-violent acts, crimes committed by under-18s or those suffering from a mental disorder, on pregnant women or on mothers with dependent infants; strongly opposes the use of the death penalty on the basis of gender-discrimination legislation, public executions, and cruel punishments such as stoning, which should be stopped immediately;
170. Calls on the Italian Presidency to honour its commitment to ensure that a universal moratorium on executions is adopted at the forthcoming United Nations General Assembly;
171. Welcomes the abolition of the death penalty for ordinary crimes in Turkey, but calls for an abolition of the death penalty in all cases;
172. Reiterates its concern about the increasing number of death sentences in other countries with which the European Union has close relations, such as the United States, Saudi Arabia and the People's Republic of China; points out that in Saudi Arabia, in particular, foreign migrant women are denied a fair trial and access to justice, as in the well-known cases before the Islamic Court;
173. Calls on the newly elected state authorities of Nigeria to ensure that existing legislation in their various States complies with the Nigerian Constitution and with international human rights law, ratified by the Nigerian government; urges, in particular, the northern States who have introduced the Sharia Penal Legislation to discontinue the practice of the mandatory use of the death penalty and other inhuman punishments such as amputations and stoning, and to cease the endorsement of 'vigilante' groups;

### ***International Tribunals***

174. Calls on the EU to ensure the establishment of an international commission of inquiry into allegations of grave abuses of human rights and international humanitarian law in the context of the conflict in the Democratic Republic of Congo; deplores the failure of the UN Commission on Human Rights in 2003 in this regard, despite the request by the UN High Commissioner;

175. Underlines the great importance it attaches to the full cooperation of all countries and parties in the Western Balkans with the International Criminal Tribunal for the former Yugoslavia (ICTY);
176. Calls on the Government of Indonesia to address the deficiencies of the ad hoc tribunal on East Timor in order to secure a substantiated account of the human rights violations that occurred in 1999 so as to bring all perpetrators of human rights violations to justice; calls for continued attention to assisting the safe return of refugees to East Timor from camps in Indonesia;

### *International Criminal Court*

177. Welcomes the entry into force of the Statute of the International Criminal Court on 1 July 2002 and the inauguration of the Court on 11 March 2003; invites all States which have not already done so, to accede to the ICC Statute, and calls on all signatory States to ensure its early ratification;
178. Calls on all State Parties to proceed urgently with the harmonisation of their national legislation with the provisions of the Statute, in order to cooperate with the ICC and to fully exercise the principle of complementarity between the ICC and the national courts;
179. Welcomes the adoption of a new Council Common Position on the International Criminal Court, strengthening the EU support to the Court and calls on the Italian Presidency to adapt and update the Action Plan in accordance with the new mandate and goals stemming from the Common Position;
180. Calls on the United States to give up its policy of discouraging governments from ratifying the Rome Statute by pressurising States worldwide to enter into 'bilateral non-surrender agreements' and obstructing multilateral cooperation in the framework of the UN on the grounds of the 'American Service-Members' Protection Act';
181. Invites the Council and the Commission, as well as its own interparliamentary delegations, to include ratification and implementation of the ICC Statute as an item on the agenda of political contacts with third countries, in particular with the US;
182. Calls on all governments not to conclude any 'bilateral non-surrender agreement' with the United States as these are contrary to the Rome Statute and inconsistent with the EU Council Conclusions and Guiding Principles of 30 September 2002 and to refuse to engage in the scheme of transforming the fight against terrorism into a pretext for the conclusion of such agreements;
183. Is convinced that a number of South-East Asian countries may take China and Japan as examples for their eventual ratification and implementation of the ICC Statute, in particular in the context of the efforts of the United States to obtain bilateral immunity agreements from the countries of this region; calls, therefore, on China and Japan to accede to the International Criminal Court Statute as soon as possible;

### *Iraq*

184. Takes note of the resolution adopted at the UN Commission on Human Rights in 2003 whereby the mandate of the Special Rapporteur on Iraq will be extended for a further year; calls for the deployment of human rights monitors as soon as the security situation permits;
185. Strongly condemns the attack on the UN headquarters in Baghdad on 19 August 2003, killing 20 people including the UN High Commissioner on Human Rights and UN Special Representative in Iraq, Sergio Vieira de Mello; emphasises that this constitutes a war crime and that those responsible must be identified and brought to justice;
186. Urges the UN, on the basis of UN SC resolution 1502 (2003) to do the utmost for the protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones and strongly urges UN Member States to cooperate in strengthening the security of humanitarian aid workers around the world;
187. Reiterates its call on the Council and the Member States to engage in the establishment of a commission under the mandate of the Secretary General of the United Nations and/or the Security Council for the purpose of investigating war crimes and crimes against humanity committed under the Iraqi Regime, with a view to creating an ad hoc International Criminal Tribunal to try the persons responsible for those crimes;
188. Calls on the working group on minorities within the United Nations Sub-Committee on Human Rights to study the situation in Iraq;
189. Calls on the UN Assistance Mission for Iraq to ensure continued monitoring, in cooperation with the United Nations High Commissioner for Refugees and other relevant agencies, as well as the occupying power in Iraq, the situation of refugees and the internally displaced inside Iraq, and provide remedies for abuses they suffer, including when refugees and displaced populations return to their home areas and property;

### ***Indigenous Peoples***

190. Requests the Commission and the Council to ensure the full implementation of the 1998 and 2002 Council resolutions on indigenous peoples, in particular the development of a specific methodology for the development work with indigenous communities and the training of Commission staff;
191. Requests the Council and the Commission to follow up Parliament's demands to promote a worldwide policy on indigenous peoples in general, and not only on indigenous peoples in developing countries;
192. Strongly supports the demands of the Pygmies, Masao, San and other indigenous peoples in Africa to be recognised by the African countries as indigenous communities, according to the international debate on this issue;
193. Requests to place, where appropriate, the issue of indigenous peoples as a permanent item on the agendas of its interparliamentary delegations with countries where indigenous people live, in order to check and complete the relevant information in the Country Strategy Papers;

194. Requests the Commission to include in all Country Strategy Papers relating to countries with indigenous peoples, a specific paragraph or chapter on their living conditions and main concerns;
195. Calls on the Commission to include in agreements with third countries specific clauses and mechanisms to assess respect for and the protection of the fundamental rights of indigenous peoples, who are all too often the victims of extremely serious and systematic violations;
196. Reiterates its demand to establish a permanent delegation between the European Parliament and the UN forum on Indigenous peoples and proposes to co-organise the next session of this forum;

### *Children's rights*

197. Expresses its concern about the serious violation of children's rights, as set out in the Convention of the Rights of Child, including the right to health, education and nutrition as well as protection from violence, exploitation and abuse; notes that 600 million children live in poverty worldwide; every three seconds a child dies from malnutrition, lack of water or health care; 130 million children, two-thirds of them girls, are deprived of basic education; two million children have been killed in wars over the last ten years; more than 300,000 children under 18 years of age are actively participating in armed conflicts; two million girls are victims of female genital mutilation;
198. Calls on all countries to ratify and enforce the UN Convention on the Rights of the Child and its Optional Protocols, the Mine Ban Treaty of Ottawa, the ILO Convention to eliminate the Worst Forms of Child Labour, and the ILO Minimum Age Convention;
199. Calls on the Council and the Commission to introduce a stronger children's rights perspective into all EU external and internal policy areas, based on strategic implementation guidelines, and to ensure overall coordination; calls on the Council and the Commission to develop a strategy for the follow-up of the Special Session on Children of the UN General Assembly;
200. Calls on the Council to start drafting a Common Strategy on children and armed conflict; stresses that any action must target those involved in trafficking and their clients, adequate sanctions must be planned and applied in the country of origin, of transit and of destination, and child victims must benefit from adequate protection;
201. Calls on the Commission to ensure that the issue of children and armed conflict is adequately reflected in the Country Strategy Papers, with particular attention to prevention and rehabilitation measures for child soldiers;

### *Disabled people*

202. Notes with grave concern the evidence presented by the Disability Awareness in Action report (March 2003) that over the last 12 months there have been 483 reports of abuse concerning 4 292 disabled people across the globe, and that 13% of the total number of victims have died as a direct result of human rights abuse;

203. Expresses serious concern about the evidence presented in the respective reports of Amnesty International on users of psychiatric treatment and the Report by Mental Disability Advocacy Centre on Caged Beds which informs us of the severe human rights abuses experienced by disabled people living in institutions across Europe, whose needs must be immediately addressed by the Governments of the countries concerned;
204. Is particularly concerned about the continued use of cage beds for people with intellectual disabilities, used in psychiatric hospitals and in social care homes in a number of Eastern European countries; calls on the countries concerned to cease this degrading and inhuman practice without delay;
205. Reiterates its support for a UN Convention on the Human Rights of Disabled People which must build on the provisions of the UN Standard Rules in such a way as to fully recognise and promote the rights of disabled people and urges that such a UN Convention be legally binding;
206. Calls on the UN Members and Agencies to ensure that the six existing UN Human Rights Conventions are interpreted to recognise and fully promote the rights and needs of disabled people and their families, which has not been the case hitherto;
207. Calls on the Commission to ensure that disability is explicitly referred to its reports on human rights and that disabled people are recognised in the work of the European Commission as a group particularly vulnerable to human rights abuses;

### ***Prison conditions***

208. Expresses its concern that the rising numbers of detained people worldwide, together with the lack of additional resources, increases pressure on prison systems and poses the risk that human rights and human detention conditions be disregarded;
209. Calls on the Council and the Commission to encourage, in relations with third countries, the adoption of provisions in penal codes which offer alternative punishments to prison sentences for minor offences; underlines the importance of improving prison conditions, in order to tackle in particular the spread of life-threatening diseases such as malaria, tuberculosis, hepatitis and HIV/AIDS in detention centres and of improving the situation of juveniles, women, foreigners, people from ethnic and religious minorities and homosexuals in prisons;
210. Calls on the Council and the Commission to include in the EU annual report, under thematic issues of particular importance to the EU, information on specific action taken in relation to prison conditions;
211. Urges the Commission to make an extended assessment of the prison conditions in countries with which the EU has a cooperation or association agreement;

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212. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the candidate countries, the



United Nations, the Council of Europe, the OSCE and the governments of the countries referred to in this resolution, as well as the EU offices of the leading non-governmental organisations on human rights.

## **P5\_TA-PROV(2003)0376**

### **Fundamental rights in the EU in 2002**

#### **European Parliament resolution on the situation as regards fundamental rights in the European Union (2002) (2002/2013(INI))**

*The European Parliament,*

- having regard to the motions for resolutions by:
  - (a) Mauro Nobilia and others, on the appointment of a European Ombudsman for the protection of minors (B5-0154/2003),
  - (b) Mauro Nobilia and others, on the establishment of a European juvenile delinquency monitoring centre (B5-0155/2003),
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to Articles 6 and 7 of the EU Treaty and Article 13 of the EC Treaty,
- having regard to the EU's Fourth Annual Report on Human Rights,
- having regard to all the international conventions in this area,
- having regard to the reports of the European Monitoring Centre on Racism and Xenophobia, of the specialised bodies of the Council of Europe and of the relevant NGOs,
- having regard to the public hearing of 17 and 18 February 2003 with European youth,
- having regard to the public hearing of 24 April 2003 with representatives of the national parliaments, NGOs and journalists on the situation as regards fundamental rights in the EU,
- having regard to the decisions of the Court of Justice of the European Communities and the European Court of Human Rights,
- having regard to the summary report drawn up by the coordinator of the EU network of independent experts in fundamental rights from the Member States under the Commission's authority,
- having regard to its resolutions of 5 July 2001<sup>1</sup> and 15 January 2003<sup>2</sup> on the situation as regards fundamental rights in the European Union in 2000 and 2001,

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<sup>1</sup> OJ C 65 E, 14.3.2002, p. 350.

<sup>2</sup> P5\_TA(2003)0012.

- having regard to Rules 163 and 48 of its Rules of Procedure,
- having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the opinions of the Committee on Culture, Youth, Education, the Media and Sport and the Committee on Women's Rights and Equal Opportunities (A5-0281/2003),

### ***Introduction***

1. Notes that the Charter of Fundamental Rights, which summarises the basic values on which the EU is founded, i.e. all the principles it sets out, has been 'recognised' (Title II, Article 7) and appears in Part II of the draft Constitution prepared by the European Convention; regrets, however, that this 'recognition' and this incorporation in the draft Constitution are inadequate, since no explicit reference is made to the legally binding nature of the Charter and no provision is made for direct, individual referrals to the Court of Justice of the European Communities;
2. Points out that, under new Article 7(1) of the TEU, the EU institutions, and in particular the European Parliament, can monitor, each according to its sphere of competence, strict respect for human rights and fundamental freedoms on the part of the Member States;
3. Welcomes the report on the situation of fundamental rights in the European Union and its Member States in 2002 by the EU network of independent experts in fundamental rights, which is very informative and useful and contains important material for use in developing EU human rights policy, in both the shorter and the longer term;
4. Considers therefore that, in order to be able to monitor the implementation of the Charter in as rigorous and objective a manner as possible, the EP's annual rapporteur must be given all the necessary resources, including:
  - the summary report of the coordinator of the EU network of independent experts in fundamental rights, of which the first edition was presented in March 2003 and whose value and usefulness should be emphasised even if an effort should be made to ensure that in future the report is submitted earlier to the Commission and the EP's rapporteur and is more operational (e.g. include a clear survey of the EP's priorities and the impact of its recommendations on the application of fundamental rights during the year in question),
  - as comprehensive a list as possible, incorporated in that report, of the good practices noted during the year,
  - much closer cooperation with the specialised committees of EU national and regional parliaments and relevant NGOs or observatories in the field of human rights and freedoms, and an interinstitutional procedure which, on the basis of the report by the EU network of independent experts in fundamental rights, involves the European Parliament, the Council and the Commission (annual report on human rights; NGO forum),
  - in the light of the Council's responsibility for the application of fundamental rights in the EU (annual report and monitoring of the Member States, Article 7(1)),

participation, where necessary, by the senior members of the Council's COHOM working group in meetings of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and, possibly, the holding of ad hoc meetings with the EP's rapporteur and the shadow rapporteurs,

- access to an Internet site dealing specifically with fundamental rights in the EU and regularly updated, along the lines of the pages which already exist and are still being improved on the EP website, and also including a discussion forum with European citizens,
  - a detailed and unalterable road map, to be determined for the forthcoming parliamentary term, in terms of dates (date of presentation and adoption of the draft report in committee and in plenary; date and number of hearings), work in parallel and in conjunction with the Committee on Foreign Affairs and support from the committees delivering an opinion;
5. Takes the view that that Internet site should also contain all the texts which have legal force on the territory of the European Union and the report drawn up by the EU network of independent experts in fundamental rights, with a view to enabling each individual to gain a better understanding of his or her rights and to verify that they are being observed;
  6. Considers that these conditions must be met if its annual report on the situation as regards fundamental rights in the EU is genuinely to be taken into consideration, valued and possibly even feared; this is all the more important in terms of the report's implications as regards the risk of violation of fundamental rights in the Member States, as envisaged in the new early warning system under Article 7(1) of the Treaty of Nice;
  7. Reiterates that the enlarged EU must be based on strict respect for the values set out in the Charter of Fundamental Rights; notes, however, that in the 15 Member States in 2002 the situation gave cause for concern in many respects and, as far as certain aspects are concerned, even seems to have deteriorated; points out that it is not sufficient to proclaim rights but that steps must be taken to enforce respect for such rights;
  8. Points out, furthermore, that it is important for its annual report on the situation as regards fundamental rights to be seen as an opportunity to exchange information on best practice, i.e. to highlight the EU's added value with regard to respect for values, while taking account of the context and cultural environment in each Member State;

## ***Chapter I: Respect for human dignity***

### *Right to life*

9. Approves the signing by all the Member States of Protocol 13 to the ECHR concerning the abolition of the death penalty in all circumstances (war) and urges the Member States to ratify this protocol as soon as possible, with the exception of Belgium, Denmark, Ireland and Sweden, which have already ratified it;
10. Unreservedly condemns terrorism, which is a denial of the fundamental right to life and threatens to destabilise democracies, irrespective of the form it takes and regardless of whether its origins or activities lie within the Union or outside it;

11. Points out, however, that, since terrorism is designed to undermine the rule of law, policies on the prevention and punishment of terrorism must seek, as a matter of priority, to maintain and strengthen the rule of law;
12. Reiterates that terrorism inflicts irreparable harm and huge suffering on its victims and their families; consequently favours the adoption of measures that take account of their specific circumstances, such as a European compensation instrument;
13. Reiterates its support for measures to combat terrorism, but points out that the adoption thereof must fall within the bounds of the rule of law and ensure full respect for human rights and public freedoms;
14. Expresses its concern at the consequences of international cooperation with the United States, which applies different and lower standards than the EU as regards both notification of personal data required from airline companies or by Europol and the conditions of detention of Community nationals at the Guantanamo base,

*Prohibition of torture and inhuman treatment*

15. Deeply regrets that the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has still not been ratified by Ireland (Resolution 39/46);
16. Strongly condemns all forms of reinstatement, legitimisation or justification of torture, and calls on Member States under all circumstances to enforce an absolute and unlimited ban on torture, particularly when politicians, members of the judiciary or police officers call it into question;
17. Welcomes the adoption of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, whose aim is to establish a system of regular visits to places of detention in order to prevent torture and other cruel, inhuman or degrading treatment or punishment and to set up a 'Prevention Subcommittee' coming under the authority of the Committee Against Torture and, in each State Party, a national prevention mechanism in the form of one or two independent bodies to visit places where people are deprived of their freedom; calls on the Member States to sign and ratify that Optional Protocol promptly;
18. Notes once again the disproportionate use of force by the police, which in 2002 resulted in the deaths of at least ten people in the EU, despite the fact that they did not represent any real danger, and inadmissible acts of brutality in police stations;
19. Notes also that the situation of prisoners in the EU deteriorated in some Member States in 2002, mainly as a result of overcrowding in prisons (United Kingdom, Portugal, Belgium, Italy and France) which leads to tension between prisoners and prison warders, violence between prisoners, inadequate surveillance (increase in suicide and attempted suicide rates) and a whole range of obstacles to any social reintegration measures; considers in this context that, in view of the principles of legality, democracy and the rule of law which are common to the Member States and fundamental to the EU, national authorities should increase their monitoring and further re-examine the actual legitimacy of

prolonging the sentences of prisoners whose behaviour in jail and civil and social activities subsequent to the offences for which they were sentenced are such as to demonstrate that prison has worked as an instrument of correction and positive social reintegration; notes here, in particular, the case in Italy of Adriano Sofri, as recognised by the highest national authorities, by an absolute majority of parliamentarians and by the most prestigious newspapers, whatever their politics, as well as by authoritative institutions and persons at European level; in particular, notes with concern the increase in non-Community citizens and drug addicts among the prison population and fears that this is partly due to, on the one hand, the absence of adequate social policies for integrating immigrants and, on the other, the use of basically repressive policies instead of assistance for social reintegration;

20. Considers it essential, therefore, especially as the EU prepares for enlargement, that the Member States take far more determined measures with a view, in particular, to:
- improving the training and recruitment of police and prison staff,
  - setting up independent agencies to monitor police activities and the running of prisons wherever this has not yet been done (Austria, Greece and the United Kingdom did so in 2002),
  - introducing, where appropriate, and allowing effective use of appeal procedures against disciplinary sanctions imposed in places of detention; allowing prisoners to have access to a lawyer from the outset and, where necessary, to a doctor, and to inform their relatives,
  - encouraging the introduction of administrative penalties and/or fines for minor offences, and of alternative penalties, such as community work, developing open or semi-open prison systems as far as possible and employing probation arrangements,
  - providing prisoners, especially those on long sentences, with sufficient activities, without their being exploited, and educational and cultural opportunities, and specific rehabilitation programmes geared to a return to civil society, both for prisoners from the country where they are imprisoned and for those who come from abroad and wish to return to their country of origin after serving their prison sentence,
  - ensuring that malfunctions in police and prison services are investigated more rapidly by the courts and prosecuted uncompromisingly on the basis of the seriousness of the acts committed,
  - ensuring at least minimum standards for the health and living conditions of prisoners,
  - examining detention procedures in order to ensure that human rights are not violated, that detention periods are not unnecessarily long and that the grounds for detention are reviewed regularly;
21. Calls also on the Member States concerned, as a matter of urgency, to take action vis-à-vis certain categories of prisoners, in particular to:

- keep detention of minors, whether in prison, secure re-education centres or holding centres for immigrants, to a minimum (Belgium, France, Luxembourg and the United Kingdom),
  - envisage the release of or alternative confinement for prisoners who are very old or suffer from serious and incurable diseases (France),
  - ensure that drug addicts have access to medical treatment and the necessary substitution therapies without discrimination,
  - improve supervision of psychiatric hospitals (informing patients of their rights and preventing any abuses) (Belgium and Denmark);
22. Considers, at a general level, that efforts must also be made in a European area of freedom, security and justice, to mobilise European capacities to improve the operation of the police and prison system, for example:
- by encouraging the gathering of information on best practice and allowing exchanges of information relating to the police, prisons and psychiatric hospitals between those responsible for such matters in the various Member States,
  - by encouraging Member States to become involved in the Council of Europe's Police and Human Rights programme,
  - by drawing up a framework decision on minimum standards to protect the rights of prisoners in the EU;

*Prohibition of slavery and forced labour*

23. Emphasises again that trafficking in human beings must be condemned and combated energetically since it is fundamentally contrary to human dignity and leads to sexual exploitation and labour exploitation under slavery-type conditions, the victims being most frequently women, girls and children;
24. Recommends therefore that:
- all the Member States ratify the International Convention on Organised Crime,
  - the Member States which have not yet done so ratify as soon as possible the Optional Protocol to the Convention on the Rights of the Child, regarding the sale of children, child prostitution and child pornography,
  - all Member States ratify the Convention on Cyber Crime, with the exception of Denmark and Luxembourg, which have already done so;
25. Emphasises that the EU should adopt an effective policy against trafficking in human beings, including:

- promotion of the Brussels Declaration, adopted by both Council and Commission, with all the governments of its present and future Member States and the governments of countries of origin and transit,
  - the establishment of an information exchange system,
  - the establishment of a European database, in agreement with Europol and Interpol, focusing on disappeared persons who are believed to be victims of trafficking in human beings,
  - more effective judicial protection of victims by adopting the Council directive on the short-term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who cooperate with the competent authorities, the Commission proposal for which was approved by Parliament on 5 December 2002<sup>1</sup>,
  - the establishment of special programmes to eradicate poverty in countries of origin;
26. Urges that a comprehensive European policy against human trafficking, the modern form of slavery, addresses the entire trafficking chain, comprising countries of origin, transit and destination alike, targeting recruiters, people who transport the victims, exploiters, other intermediaries, clients, and beneficiaries;

## ***Chapter II: Guaranteeing freedom***

27. Believes that there can be no effective protection of people's dignity without rigorous guarantees relating to the various civil and political freedoms;

### *Protection of personal data*

28. Urges:
- Luxembourg and Spain to sign and all Member States, except for Germany and Sweden, to ratify as soon as possible the Additional Protocol to the Convention for the protection of individuals with regard to automatic processing of personal data, regarding supervisory authorities and cross-border data flows,
  - France to transpose into domestic law Directive 95/46/EC<sup>2</sup> on the protection of personal data,
  - the EU to endow itself with a legally binding instrument which offers, in the areas covered by the second and third pillars, guarantees equivalent to those laid down in Directive 95/46/EC;
  - the Member States and the Union to verify that the regulations on keeping communications data comply with the case-law of the European Court of Human

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<sup>1</sup> P5\_TA(2002)0591.

<sup>2</sup> OJ L 281, 23.11.1995, p. 31.



Rights, i.e. that they are limited in time, proportionate and necessary in a democratic society, and, if not, to amend or repeal them;

29. Expresses concern at the substance of Directive 2002/58/EC<sup>1</sup> on privacy and electronic communications, which clears the way for data retention in connection with electronic communications, and calls once again for the adoption of measures to provide protection against extralegal communications interception systems;
30. Expresses serious concern at the agreements now being negotiated or already adopted involving the forwarding of personal data between the EU and third bodies (Interpol, etc.) or third States (USA, etc.) which do not offer the same level of data protection; takes the view that such agreements must at all events maintain the level of data protection guaranteed by Directive 95/46/EC; in that connection, urges that such agreements should systematically make provision for the establishment of a supervisory body responsible for monitoring full compliance with the abovementioned guarantees when the agreements are implemented;
31. Expresses concern, in particular, at the requirement imposed by the US authorities on airlines to provide access to the personal data they hold concerning passengers on transatlantic flights; regards that requirement as incompatible with Community law and calls, therefore, for the effects of such measures to be suspended immediately and until such time as they provide the level of data protection guaranteed by Community law;

#### *Freedom of thought, conscience and religion*

32. Calls on the Member States and the EU to promote interfaith dialogue insofar as it condemns all forms of fanaticism and fundamentalism and to guarantee the principle of secularism, which does not rule out the teaching of religion in school; considers that such a dialogue and such teaching ought to devote proportionate attention to non-religious world views;
33. Calls, while approving the progress made in Greece with regard to respect for freedom of religion and belief, for the criminal law provisions on proselytism to be repealed and for Muslims to be able to obtain authorisation to build mosques and have cemeteries where they can bury their dead in accordance with their religious traditions;
34. Recommends once again that Finland and Greece amend their legislation on the duration of alternative civilian service with a view to removing any punitive and discriminatory aspects;
35. Warns the Member States once again against the dangers posed by the activities of sects which are a threat to the physical or mental integrity of individuals, and calls on the Member States, by means of their normal criminal and civil law, to combat unlawful practices and abuses on the part of these sects;

#### *Freedom of expression and information*

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<sup>1</sup> OJ L 201, 31.7.2002, p. 37.

36. Recommends once again that Belgium, Denmark and Ireland sign and ratify the Council of Europe Convention on Transfrontier Television and calls on Greece, Luxembourg, the Netherlands and Sweden to ratify the Convention (Portugal ratified it in 2002); calls on the countries concerned and Portugal to ratify the Protocol of 1 October 1998 amending the Convention;
37. Deplores the fact that no legislative solution has yet been found in the EU to the problem of the concentration of media power in the hands of a few mega groups, and recalls its resolution of 20 November 2002 on media concentration<sup>1</sup> in which it insisted that a European media market should be established to counteract a growing disparity in national rules and safeguard the freedom and diversity of information; deplores the fact that in Italy in particular a situation is continuing in which media power is concentrated in the hands of the Prime Minister, without any rules on conflict of interest having been adopted;
38. Reiterates that any ideology is legitimate provided that it expresses itself through democratic channels and in doing so condemns terrorist organisations that threaten and murder individuals because they are elected representatives or active members of a given political group;
39. Categorically rejects any violence, intimidation or threat that may interfere with the free exercise of the journalistic profession; calls, therefore, on all states to uphold and protect the right to freedom of opinion and expression, and reiterates its solidarity with journalists – including those within the EU – who are attacked for standing firm and exercising this right freely;
40. Calls on the Commission in this respect to:
  - arrange for consultations with a view to drawing up a directive,
  - guarantee that public and private media provide citizens with accurate information, avoiding discrimination and guaranteeing access to various groups, cultures and opinions, in particular by ensuring equal access to the media in elections or referendums;
  - consider setting up a European regulatory framework for the end of 2005,
  - envisage with the Member States specific measures to combat acts of violence of which journalists are victims in the exercise of their profession;

#### *Freedom of assembly and of association*

41. Urges Austria and Luxembourg to amend their legislation prohibiting foreigners or non-nationals from standing for election to works councils as this law is contrary to trade union freedoms;

#### *Right to education*

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<sup>1</sup> P5\_TA(2002)0554.

42. Calls on the Member States to seek to ensure by all possible means free and effective schooling for all children, including those from very poor families and from certain Roma communities or refugee families, and including children with disabilities who have particular access needs; urges Member States to do their utmost to ensure the effective integration in education systems of the children of refugees, asylum-seekers and immigrants;

*Right of asylum and protection in the event of removal, expulsion or extradition*

43. Strongly recommends that:

- Austria and Portugal ratify the Geneva Convention relating to the Status of Stateless Persons,
- Spain, France, Finland, Greece, Italy, Luxembourg and Portugal ratify the Convention on the Reduction of Statelessness,
- Greece sign and ratify Protocol 4 to the ECHR (prohibition of collective expulsions), Spain and the United Kingdom ratify Protocol 4 to the ECHR, Belgium and the United Kingdom sign and ratify Protocol 7 to the ECHR (conditions of expulsion) and Germany, the Netherlands, Portugal and Spain ratify Protocol 7;

44. Condemns the delays in adopting the instruments fundamental to the common asylum and immigration policy and regrets the fact that the agreements already secured have all been concluded on the basis of lowest common denominators; points out that such a policy must:

- respect to the letter the rights of asylum-seekers, be based on a non-restrictive interpretation of the Geneva Convention and its 1967 protocol, and cover persecution by non-government agents, persecution on grounds of sex and persecution in the context of generalised armed conflict,
- be based on the recommendations and conclusions of the United Nations High Commission for Refugees and guarantee the full integration into society of persons who have been granted the right of asylum;

45. Notes that some progress was made in 2002 towards a harmonised common asylum and immigration policy, but regrets that the common policy agreed between the Member States is based on minimum standards which have been set too low and that the emphasis in asylum and immigration policy is on repressive and negative measures;

46. Calls on the Member States to restrict the detention of asylum-seekers solely to exceptional cases which comply with the grounds laid down in the UNHCR guidelines on the criteria and standards applicable to the detention of asylum-seekers;

47. Expresses concern at the high number of persons who lost their lives in 2002 whilst seeking refuge in the European Union; takes the view that this dramatic situation calls for the implementation of a balanced policy providing for legal immigration channels;

48. Calls on the Member States to keep detention to a minimum, to provide facilities for the reception of asylum-seekers, in particular at airports, to offer them assistance from lawyers and interpreters, to afford them the possibility of communicating with the relevant NGOs and with their families and to ensure that appeals have suspensive effect;
49. Calls on the Council to adopt as soon as possible the draft directive providing for secondary protection for persons who are not covered by the Geneva Convention but who cannot be returned to their country of origin because of (a) the threat of torture or inhuman or degrading treatment, (b) the repercussions of generalised violence or events which are seriously undermining public order, or (c) on humanitarian grounds;
50. Condemns the serious situation faced by unaccompanied minors seeking asylum, in particular in Austria, Belgium, Spain, Sweden and Italy;
51. Urges the Member States to amend the rules on and the practice of expulsions as these are too often carried out illegally and undermine human dignity; calls in the strongest terms on the Member States in general to monitor the conditions under which collective expulsions are carried out and the practice of forced expulsions, which have sometimes resulted in deaths;
52. Urges the Member States to refrain from taking any action with a view to amending the text of the Geneva Convention;
53. Calls on the Member States to refuse to extradite persons to countries where they might be condemned to death for their crimes or might face torture or inhuman or degrading treatment;
54. Urges the European Convention and the IGC to propose the abolition of the Aznar protocol to the Treaty of Amsterdam, which, as the UNHCR has repeatedly stated, breaches the Geneva Convention by imposing restrictions on the right of individuals to seek asylum;

### ***Chapter III: Towards equality***

#### *Principle of non-discrimination*

55. Considers it regrettable that only Austria, Denmark, Sweden, Portugal and the Netherlands have ratified the European Convention on Nationality;
56. Insists that the rights set out in the Charter of Fundamental Rights must be respected, together with in particular the right to seek asylum, the right to effective legal protection and the principle of non-refoulement;
57. Recommends once again that Denmark, Spain, France, Sweden and the United Kingdom sign Protocol 12 (non-discrimination) to the ECHR and that all the Member States ratify it;
58. Calls on the Member States to guarantee that all children present on their territory are granted access to education regardless of their families' administrative situation;

59. Urges the Member States to guarantee that any person living on their territory are granted access to health care regardless of their administrative situation;

*Combating racism and xenophobia*

60. Notes the continuation of racially motivated physical attacks in 2002, particularly in Germany, France and the Netherlands, and the resurgence of racially motivated verbal attacks on Muslims, particularly on the music scene in Germany, and of racist messages on Internet sites and football sites in Italy;
61. Expresses concern at the increase in anti-Islamic and anti-Semitic manifestations of hatred and discrimination following the 11 September 2001 attacks; welcomes, however, the awareness-raising campaigns conducted by several governments (UK, Sweden, Germany, Finland, Portugal), forewarning the public against the dangers of stereotyping and the Manichaeian view of a clash of 'civilisations';
62. Recommends therefore that the Member States speed up the process of fully and effectively transposing the anti-discrimination directives adopted by the Council in 2000;
63. Approves and supports at European level the proposals for the adoption of a multiannual Community action plan seeking to promote safer Internet use;
64. Welcomes in particular the action taken by the United Kingdom in circulating to all civil servants a code of conduct to be adhered to in relations with all members of the public, whatever their origin, with a view to promoting equal treatment; urges the Member States to take measures to combat racist statements and behaviour by all authorities and to establish training programmes for police officers and judicial officials and, more particularly, those services which deal with migrants at borders (knowledge and understanding of foreign cultures, prevention of racist behaviour, education in tolerance);
65. Calls on Denmark, Greece, the Netherlands, Austria and Italy to adopt a more proactive policy with a view to eradicating racist behaviour;
66. Welcomes the efforts made by the United Kingdom, Germany, the Netherlands, Portugal and Denmark to set up a system for gathering reliable data, which is an essential prerequisite for an effective anti-racism policy; calls on Member States such as Greece, Austria and Italy to follow suit;
67. Welcomes the measures taken by several Member States with a view to making it more difficult for political parties disseminating racist and xenophobic propaganda to put their views across, and calls on Greece, Denmark, the Netherlands, Austria and Italy to be more active in this area; urges those democratic parties in the EU and the applicant countries that have not yet done so to sign the 1998 Charter of European Political Parties for a Non-Racist Society;
68. Calls on the Commission to prepare an analysis and report on the implementation of Directive 2000/43/EC<sup>1</sup> on equal treatment irrespective of racial or ethnic origin and to highlight any discrepancies in Member States in their transposition of the Directive;

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<sup>1</sup> OJ L 180, 19.7.2000, p. 22.

### *Discrimination against minorities*

69. Urges the Member States to ensure that their naturalisation procedures enable long-term residents to obtain full citizenship if they so wish;
70. Deplores the continuation in 2002 of racist acts targeting Roma people and foreign workers;
71. Welcomes the Finnish proposal to set up a permanent European Roma forum and the efforts made by the Greece authorities to introduce a Roma integration programme;
72. Calls on the European institutions to adopt an integrated common approach to solving the problems experienced by the Roma minority, which regrettably continues to suffer from many forms of discrimination;
73. Calls on France, the only State not to have done so, to sign the Council of Europe Framework Convention for the Protection of National Minorities; urges Belgium, Greece, Luxembourg and the Netherlands to ratify the Convention; notes that the Convention only applies to ten Member States;
74. Calls on the Member States that have ratified the Convention for the Protection of National Minorities to persevere with their efforts not only to enable minorities to preserve and develop their identities but also to promote their emancipation and social integration;
75. Strongly recommends that Belgium, Greece, Ireland and Portugal sign the European Charter for Regional or Minority Languages; urges France, Luxembourg and Italy to ratify it;
76. Calls on the Council of Europe to adopt a protocol to the Charter for Regional or Minority Languages regarding action to promote sign language aimed at reducing discrimination against deaf people (of which there are 1.6 million in the EU) as regards sign language teaching and access to the labour market;

### *Discrimination based on sexual orientation*

77. Calls once again on the Member States to abolish all forms of discrimination - whether legislative or de facto - which are still suffered by homosexuals, in particular as regards the right to marry and adopt children;
78. Welcomes the fact that several advances were made in 2002 in Austria (abolition of Article 209 of the criminal code), Finland (recognition of the rights of transsexuals) and Belgium (homosexual marriage);
79. Calls nonetheless on Austria to terminate all current proceedings under Article 209 (old) of the Criminal Code and institute rehabilitation measures for those convicted under this provision; calls also for the new Article 207b of the Criminal Code to be applied in a non-discriminatory manner;

80. Calls on Portugal, Ireland and Greece rapidly to amend their legislation under which the age of consent is dependent on sexual orientation, given the discriminatory nature of such provisions;
81. Recommends that the Member States more generally recognise non-marital relationships, both heterosexual and homosexual, and confer the same rights on partners in these relationships as on those who are married, inter alia by taking the necessary steps to enable couples to exercise freedom of movement within the Union;
82. Expresses concern at the dilution of Directive 2000/78/EC<sup>1</sup> establishing a general framework for equal treatment in employment and urges the Commission to prepare an analysis of the implementation and transposition of the Directive, highlighting any anomalies in Member States;

*Equality between men and women*

83. Recommends that Belgium and Luxembourg ratify the Additional Protocol to the UN Convention on all forms of discrimination against women and that the United Kingdom sign and ratify this protocol;
84. Welcomes the adoption of Directive 2002/73/EC<sup>2</sup> on the implementation of the principle of equal treatment for men and women; expresses the hope that the independent body which, under the directive's terms, will be responsible for assisting victims of gender-based discrimination, will investigate discrimination, publish reports and make recommendations on all matters relating to discrimination and will be set up at the earliest opportunity in each Member State;
85. Regrets that the professional integration of women (particularly from minority groups) is still far from being fully achieved, despite the fact that in 2002 several positive steps were taken in this connection in Greece, Sweden and Belgium (quotas for the appointment of women to board-level and management posts);
86. Demands that the Greek government abolish the penal provisions as described in Article 43b of the Greek Law Decree No 2623/1953/A-268, which impose a sentence of two to twelve months' imprisonment on women who violate the ban on women entering Mount Athos; reiterates its request that the ban on women entering Mount Athos should be lifted and notes that such a ban is a violation of the principle of and the international conventions on gender equality and non-discrimination on the basis of gender and the provisions relating to free movement of persons provided by the Greek Constitution and Community law;
87. Calls on the Member States actively to improve the position of women, inter alia by taking temporary special measures with a view to accelerating de facto equality between men and women, in accordance with their obligations under the UN Convention on the Elimination of All Forms of Discrimination of Women (CEDAW), especially Articles 3 and 4 thereof; recommends that European institutions, when evaluating the legality of the positive action measures on the basis of Article 141(4) of the EC Treaty, Declaration No

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<sup>1</sup> OJ L 303, 2.12.2000, p. 16.

<sup>2</sup> OJ L 269, 5.10.2002, p. 15.

28 to the Amsterdam Treaty and the Directives on the basis of Article 13 of the EC Treaty, take into account the substantive equality approach following from this Convention, which means (inter alia) that temporary special measures are regarded as suitable instruments to reach de facto equality instead of an inroad to the formal principle of equal treatment;

88. Notes with concern that despite the improvements achieved over the last five years, gender gaps (including pay gaps of 16 % on average) are still considerable and need to be tackled in order to meet the Lisbon and Stockholm employment rate targets;

#### *Rights of the child*

89. Recommends that Belgium, Spain, Finland and the Netherlands sign and ratify the European Convention on the Adoption of Children and calls on France and Luxembourg to ratify the Convention;
90. Recommends once again that Germany, Belgium, the Netherlands, Finland and Spain sign and ratify the European Convention on the Legal Status of Children Born out of Wedlock, and calls on France and Italy to ratify it;
91. Welcomes the fact that in 2002 Germany, emulating Greece, ratified the European Convention on the Exercise of Children's Rights; calls on the other Member States rapidly to sign and ratify the convention; calls on the United Kingdom (in whose territory minors aged under 18 are still being recruited into the army) to ratify the Optional Protocol to the International Convention on the Rights of the Child;
92. Calls on Denmark, Finland, Ireland, Portugal, Spain, Sweden and the United Kingdom to sign and ratify the European Convention on the Repatriation of Minors, and on Germany, France, Austria, Belgium, the Netherlands, Luxembourg and Greece to ratify it;
93. Calls on the Member States, with particular reference to Spain, Belgium and the United Kingdom, to take more effective action to prevent violence against children (removal of references to 'reasonable' punishment, prohibition of preventive custody for children and prevention of genital mutilation of girls);
94. Welcomes the adoption by Denmark, Sweden and Belgium of several laws improving the position of children during court proceedings; welcomes the fact that, in general, the interests and opinions of children are increasingly being taken into account, and calls for children to be given proper legal status in the future EU constitutional treaty;
95. Calls on the Member States to combat school absenteeism and to guarantee full access to education to all children living on EU territory, including Roma children, the children of refugees and children with disabilities;

#### *Rights of the elderly*

96. Welcomes the ratification of the revised Social Charter (Article 23) by Finland and Portugal, and urges Germany and the Netherlands to sign and ratify it, and Austria, Belgium, Denmark, Greece, Luxembourg, Spain and the United Kingdom to ratify it;



97. Calls on the European institutions and on governments or competent authorities to end the direct and indirect discrimination to which the elderly are subjected (particularly as regards access to the labour market between the ages of 50 and 65 and to multipurpose, multidisciplinary occupational training at the same period of their working lives, as well as to reintegration arrangements making good use of their experience) and to protect the dignity of sick and disabled elderly persons (adequate pensions, particularly for elderly women; ill-treatment in retirement homes; combating isolation);

#### *Rights of persons with disabilities*

98. Recommends that Belgium and the United Kingdom ratify the Vocational Rehabilitation and Employment (Disabled Persons) Convention;
99. Welcomes several measures taken by the EU in 2002 which improve accessibility to services for people with disabilities, in particular in the areas of transport and information and communications technology, and urges Member States to act in a timely manner in the transposition of Directive 2000/78/EC;
100. Calls on the Commission to launch the process towards a new EU disability-specific directive; considers that such a directive would have as its legal basis Article 13 of the EC Treaty and should call for equal treatment and combat discrimination on the grounds of disability in all areas of EU competence; considers it should also introduce enforcement procedures to ensure that disabled people can effectively exercise their rights in all Member States, including the right to go to court;
101. Calls for a strengthening of the non-discrimination provisions in the Treaty in the context of the current Treaty revision process;
102. Draws attention to the fact that the term 'disability' covers all physical, sensory, intellectual and psychological impairments and multiple impairments and that such impairments vary according to the disability and age of the individual in question; deplores the existence of cases in which persons with disabilities do not yet enjoy the same political, social, economic and cultural rights as other citizens; proposes that measures taken during the European Year of People with Disabilities (2003) should include the setting of a minimum quota of jobs to be occupied by persons with disabilities in companies with more than fifty employees;
103. Calls on Member States to agree to a common position with respect to, and reiterates its support for, a UN Convention on the Human Rights of Disabled People, which must build on the provisions of the UN Standard Rules in such a way as to fully recognise and promote the rights of disabled people and that such a UN Convention must be legally binding;

#### *Chapter IV: Towards solidarity*

104. Reaffirms that failure to show respect for economic and social rights, with particular reference to fair and just working conditions and reasonable living conditions (housing, access to public health and transport services), seriously undermines human dignity and in practice prevents individuals from exercising their fundamental rights;

*Workers' right to information and consultation within the undertaking*

105. Welcomes the adoption of Directive 2002/14/EC<sup>1</sup> establishing a general framework for informing and consulting employees in the European Community;
106. Calls for a strengthening of non-discrimination provisions included in the Treaty in light of the current Treaty revision process;

*Right of collective bargaining and action*

107. Recommends that Ireland, Spain, Denmark and the United Kingdom amend the provisions of their legislation that do not comply with the articles dealing with collective bargaining in the revised Social Charter and the Social Charter;
108. Calls on Germany, Denmark, France, Italy and Ireland to amend the provisions of their legislation that are contrary to the right to strike for civil servants, as upheld by the revised Social Charter;

*Protection in the event of unjustified dismissal*

109. Welcomes the adoption of Directive 2002/74/EC<sup>2</sup>, which extended the protection of employees in the event of the insolvency of their employer to cover part-time workers and temporary workers;
110. Endorses wholeheartedly the setting-up of a European Monitoring Centre on Change within the European Foundation for the Improvement of Living and Working Conditions; expresses the hope that the monitoring centre will help anticipate economic and technological change through the conduct of forward studies and thus make it easier for workers to adjust to all forms of change;
111. Urges the Commission to submit proposals setting out preventive strategies vis-à-vis the harrowing consequences of cyclical redundancies, whose economic and psychological effects on workers are disastrous and inadmissible;

*Fair and just working conditions*

112. Recommends once again that:
  - the Members States ratify the International Convention of 18 December 1990 on the Protection of the Rights of All Migrant Workers and Members of Their Families,
  - Austria and Finland ratify the 1964 European Code of Social Security,
  - Germany, Denmark, Finland, France, Greece, Ireland, Sweden and the United Kingdom ratify the European Convention on Social Security;

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<sup>1</sup> OJ L 80, 23.3.2002, p. 29.

<sup>2</sup> OJ L 270, 8.10.2002, p. 10.

113. Notes that in Europe four main social groups are subjected to discrimination (foreigners, temporary workers, persons with disabilities and women) and urges the Member States and the institutions to take the necessary action to put an end to such discrimination, inter alia by ensuring respect for maximum working hours, access to the workplace, guaranteeing genuine occupational safety (5 000 fatal accidents in the EU in 2002) and health, safeguarding against harassment at work (9% of EU workers) and setting a fair minimum wage (Ireland, Spain and Greece, where the minimum wage is less than 50% of the average net wage);

*Prohibition of child labour and protection of young people at work*

114. Welcomes the ratification by Germany and Belgium in 2002 of the ILO Convention on the Worst Forms of Child Labour;
115. Deplores the fact that in several Member States (Italy, Portugal, France and the Netherlands) the rules on child labour set out in the Social Charter and the revised Social Charter are not yet being observed, and calls on these Member States to amend their legislation accordingly;

*Reconciling family and professional life*

116. Urges all the Member States to facilitate as far as possible family reunification for legally resident migrant workers;
117. Recommends that the institutions and Member States seek to formulate an optimum strategy for reconciling family and professional life by means of measures relating to leave, child care and other facilities;

*Social security, social assistance and, in particular, action to combat social exclusion*

118. Emphasises that the two main component parts of the European 'social model' (the right to social security and combating exclusion) must be preserved;
119. Deplores the fact that a large number of Member States (Austria, Belgium, Germany, Luxembourg, Ireland, Spain and Greece) refuse to pay family allowances in cases where dependent children of migrant workers do not live on their territory, or have a minimum period of residence or employment requirement which places non-nationals at a disadvantage;
120. Recommends that Belgium, Greece, Denmark, Ireland, the Netherlands, Germany and Finland ensure the accumulation of insurance and employment periods for migrant workers;
121. Emphasises that the Community programme to combat exclusion, which sets a target of reducing to 10% by 2010 of the proportion of persons living below the poverty line in the EU, must be implemented in an effective manner;

*Health care*

122. Welcomes the adoption on 23 September 2002 of Decision No 1786/2002/EC<sup>1</sup> adopting a programme of Community action in the field of public health (2003-2008);
123. Calls on Belgium (vaccination rate), Greece (combating smoking), Italy and Ireland (occupational health), Sweden (inadequate medical check-ups), France and Austria (recent restriction of free access to medical care for the most disadvantaged sections of the population) to pay greater attention to public health issues and to amend their legislation as indicated in the 2002 reports of the European Committee of Social Rights;

### ***Chapter V: Strengthening European citizenship***

#### *Right to vote in European and local elections*

124. Recommends once again that Austria, Belgium, Germany, Spain, France, Greece, Ireland, Luxembourg and Portugal sign and ratify the European Convention on the Participation of Foreigners in Public Life at Local Level and that the United Kingdom ratify it;
125. Urges both the institutions and the Member States to take all appropriate steps to ensure the highest possible turnout at the next elections to the European Parliament in June 2004, particularly by means of targeted information and awareness-raising campaigns that enhance the European Union's image and profile;
126. Recommends in particular that the Member States do their utmost to facilitate the inclusion on their electoral rolls of nationals of other Member States living on their territory, with a view to making it easier for them to vote and to stand as candidates at local and European elections;
127. Calls on Member States to undertake appropriate measures to ensure that all elections are materially accessible to all people with disabilities;
128. Calls on the Member States and political parties to continue their efforts to foster balanced representation of women and men in local and European elections;
129. Reiterates its calls on governments, especially those of countries where women's participation in decision-making bodies is still lower than 30%, to review the differential impact of the electoral systems on the political representation of men and women in elected bodies and consider the adjustment or reform of these systems, in order to achieve a gender balance;
130. Considers furthermore that the concept of European citizenship should go beyond Member State nationality and that the right to vote and stand in local elections and elections to the European Parliament should be extended to long-term legal residents (three years) who are third-country nationals;
131. Urges the adoption and implementation by the EU and the Member States of an ambitious policy for the integration of third-country nationals based on the principle of non-discrimination;

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<sup>1</sup> OJ L 271, 9.10.2002, p. 1.

### *Right to good administration and access to documents*

132. Draws attention to the major role played by the European Ombudsman in applying the principle of good administration and access to documents;
133. Calls on the European Union to implement Regulation (EC) No 1049/2001<sup>1</sup> on access to documents in a spirit of transparency, to apply the derogations and provisions concerning the special treatment of sensitive documents only when this proves absolutely necessary, and to adopt as soon as possible an instrument which brings the rules governing access to the documents of the agencies and institutions of the European Union into line with that regulation;
134. Calls on the EU institutions to apply in full the right of citizens to access to documents, in particular:
- by calling on them to ensure access to opinions of the Legal Services whilst respecting the principles established by the Court of Justice;
  - by calling on the Council to ensure access not only to the positions of national delegations but also to their identity, in particular when it is discussing or adopting regulations or legislation;
  - by calling on the Commission to end the practice whereby when a Member State vetoes the publication of a document of which it is the author, the Commission systematically does not make the document public;
  - by calling on the Member States to apply at least the European rules on access to documents to the documents drawn up at national level on the drafting and implementation of European policies;
135. Urges the Council and the Commission to grant at least to Members of the European Parliament systematic access to any documents linked to the legislative process to which citizens do not have direct access pursuant to Regulation (EC) No 1049/2001<sup>2</sup>;

### *Freedom of movement and of residence*

136. Calls on the Commission, the Council and the Member States to take all the measures required to implement in full the principle of freedom of movement for persons, pursuant to Article 14 of the EC Treaty;
137. Calls on the Commission and Member States to remove the remaining barriers to the free movement of persons, particularly as regards freedom of establishment; deplores the inadmissible barriers to freedom of movement and of residence for the Roma in some Member States, which make them second-class citizens;

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<sup>1</sup> OJ L 45, 31.5.2001, p. 43.

<sup>2</sup> In the case of the Council, this concerns documents with the reference 'LIMITE'.

138. Calls for legislation on the free movement of persons to be simplified in keeping with the principle that any third-country national should enjoy full freedom of movement, residence and establishment as soon as he has legal status as a long-stay resident;
139. Welcomes the fact that the Council has reached political agreement on the proposal for a directive concerning the status of third-country nationals who are long-term residents<sup>1</sup>, which inter alia guarantees them the right to freedom of movement within the EU;

#### ***Chapter VI: Fair access to justice***

140. Welcomes the Commission Green Paper on procedural safeguards for suspects and defendants in criminal proceedings throughout the European Union (COM(2003) 75); encourages the Commission to take the next step – i.e. to submit the proposal for a framework decision – swiftly;
141. Calls on the Council to adopt a framework decision on common standards governing procedural law, for example on the rules concerning pre-trial orders and due process, including the criteria governing investigative methods and the definition of proof, with a view to guaranteeing a uniform level of protection of fundamental rights throughout the EU; takes the view that such a framework decision should come into force at the same time as the European arrest warrant;
142. Urges the Commission to organise the translation and publication of a ‘statement of rights’ to be distributed to persons facing interrogation when they arrive either at the relevant police station or the place where the interrogation is to be held;
143. Welcomes the intention of the Commission to present in July 2003 a Green Paper on the approximation, recognition and execution of criminal penalties in the European Union; strongly recommends that this Green Paper be followed by a proposal for a framework decision on the same topic before the end of 2003;
144. Welcomes the adoption of Directive 2002/8/EC<sup>2</sup> to improve access to justice in cross-border disputes, which has the aim of guaranteeing effective access to justice for EU citizens and third-country nationals legally resident in the EU who do not have sufficient resources;
145. Welcomes the developments in the case-law of the Court of First Instance and Court of Justice of the European Communities relating to examinations for compliance with the Charter of Fundamental Rights of the European Union (*Max.mobil v Commission*) and relating to protection of the legal rights of private individuals (*Jégo-Quééré v Commission*);
146. Is concerned about the large number and seriousness of the violations confirmed by the European Court of Human Rights of the right to have judgment given within a reasonable time (Italy and Belgium) and the right of access to justice, due process and a fair trial (Italy, Sweden, United Kingdom, Finland, Spain, Greece, Austria and France);

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<sup>1</sup> OJ C 240 E, 28.8.2001, p. 79.

<sup>2</sup> OJ L 26, 31.1.2003, p. 41.

147. Urges the Member States to comply precisely and promptly with the judgments of the European Court of Human Rights concerning the guarantees of due process and to amend their legislation in accordance with those judgments;
148. Reiterates its concern about the large number of cases in which the ECHR has found a reasonable time to have been exceeded in the case of Italy; does not consider this conducive to confidence in the rule of law, and calls on Italy to take all necessary measures to ensure that legal proceedings are prompt and fair;
149. Considers the substance of this resolution to be, with regard to the citizens of the European Union, without prejudice to the granting of rights in the future and the development of the rights, freedoms and principles laid down in the Charter of Fundamental Rights of the European Union;

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150. Instructs its President to forward this resolution to the Council, the Commission, the Court of Justice of the European Communities, the European Court of Human Rights, the European Ombudsman, the Council of Europe and the governments and parliaments of the Member States and candidate countries.

**Water management in developing countries**

**European Parliament resolution on the Commission communication on water management in developing countries and priorities for EU development cooperation (COM(2002) 132 – C5-0335/2002 – 2002/2179(COS))**

*The European Parliament,*

- having regard to the Commission communication (COM(2002) 132 – C5-0335/2002),
  - having regard to the Commission communication on the establishment of an EU water fund (COM(2003) 211),
  - having regard to Articles 177 to 181 of the EC Treaty,
  - having regard to Agenda 21, approved in Rio de Janeiro in 1992, in particular paragraph 18 thereof,
  - having regard to the outcome of the Second World Water Forum, held in The Hague from 17 to 22 March 2000,
  - having regard to the Bonn International Fresh Water Conference (2001),
  - having regard to the political declaration adopted at the World Summit on Sustainable Development, held in Johannesburg from 26 August to 4 September 2002,
  - having regard to the Commission's development cooperation guidelines for the development and management of water resources,
  - having regard to the political declaration of the 4th P7 Summit held in Brussels from 7 to 9 June 2000,
  - having regard to the study carried out in May 2000 by the Stockholm International Water Institute (SIWI) on behalf of the European Parliament,
  - having regard to Rule 47(1) of its Rules of Procedure,
  - having regard to the report of the Committee on Development and Cooperation (A5-0273/2003),
- A. whereas out of 6 billion people, 1.7 billion have no access to drinking water and more than 3 billion no access to adequate sanitation,
- B. whereas nearly 30 000 people die each day of illnesses linked to a lack of drinking water or adequate sanitation and whereas women and children and vulnerable populations in general are bearing the brunt of the negative impacts of the lack of action on water and sanitation;



- C. whereas access to water is essential for life, health, food, well-being and development and water cannot therefore be regarded as a mere commodity,
- D. whereas the United Nations Committee on Economic, Social and Cultural Rights has enshrined access to water as a human right and the 145 countries that have ratified the International Covenant on Economic, Social and Cultural Rights have an obligation to ensure that everyone has access to water, equitably and without discrimination,
- E. whereas there is a risk that the increasing scarcity of resources and economic and territorial water-related issues could cause armed conflicts in certain regions of the world, thereby compromising sustainable development, peace and cooperation,
- F. whereas irrigation for intensive farming and a predominantly export-driven economy accounts for around 75% of the world's consumption of fresh water,
- G. whereas women's uses of water are often overlooked and cannot be compartmentalised, as women use water for subsistence gardens and bricklaying activities and irrigation water is also used for domestic purposes and livestock,
- H. whereas the building of large dams, industrial pollution and deforestation are some of the causes of the depletion of ground water and the growing scarcity of safe water,
- I. whereas the current form of producing electricity wastes great amounts of water by evaporation and leads to competition between electricity production and irrigation,
- J. whereas the shortage of drinking water has worsened in developing countries as a result of budget constraints, in some cases as a consequence of structural adjustment programmes and the insufficient priority given to water sector issues by central governments,
- K. whereas donors sometimes choose to resolve the water issue by encouraging the large-scale involvement of the private sector, which operates at international level through public-private partnership programmes that can marginalise the public services,
- L. whereas the liberalisation of basic public services, including the water sector, can be, sometimes in practice although not as a formal policy, one of the conditions for receiving loans that the World Bank and the IMF impose on the southern countries,
- M. whereas the Commission is offering the option of liberalisation of water supply to interested southern countries, including 14 of the least developed countries (LDCs), as part of the GATS negotiations,
- N. whereas the privatisation of water services usually leads to an increase in prices and denies the poor in the LDCs access to water; whereas the private sector plays an important role in creating viable, efficient water management systems in developing countries owing to its technical expertise and knowledge of cost management practices,
- O. whereas the privatisation of water, when it leads to the setting-up of large-scale projects based on costly technology instead of smaller projects making use of local materials, can have negative effects on the local population; whereas needs and conditions for water

provision in developing countries differ greatly, and whereas there is therefore a need for a very wide variety of services to be offered,

- P. whereas the private sector's aims are not necessarily compatible with providing a public service and purely commercial management of the resource can easily impede the socio-economic development of communities living in areas where the provision of this service is considered unprofitable,
- Q. whereas the national and local public authorities have an important regulatory role to play in ensuring affordable access to water for all, but especially the poorest sections of the population,
- R. whereas rational water management not only requires the involvement of local populations - women in particular - at national, regional and local level, but also an appropriate pricing system which allows everyone to have access to the water required to cover essential needs and ensures efficient use of water by giving users responsibility,

### ***The European Water Fund***

- S. noting the Commission initiative on the establishment of a European Water Fund to fund the supply of water and sanitation in the ACP states,
  - T. regretting that this initiative was taken without consulting the ACP countries, undermining the spirit of partnership of the Cotonou Agreement, which is based on the principles of dialogue, reinforcement of capacity and assumption of responsibility for development policies by the ACP countries,
  - U. stressing that the EUR 1 billion fund which will be established to launch this initiative comes from the EDF reserve and not from additional resources,
  - V. whereas achievement of the fund's objectives is accompanied by conditions, including that of good governance,
  - W. whereas the creation of the European Water Fund is motivated by the failure of the public sector in developing countries to provide sufficient amounts of safe water to all citizens;
1. Reaffirms that access to drinking water in a sufficient quantity and of adequate quality is a basic human right and considers that national governments have a duty to fulfil this obligation; reasonable access to water means at least 20 litres per person per day from a clean source within a radius of 1 km (Global Water Supply and Sanitation Assessment Report 2000, published by WHO/UNICEF);
  2. Points out that on several occasions, including at Mar del Plata (1997) and Rio (1992), the declarations adopted at the end of UN conferences have established the universal right of access to drinking water in sufficient quantity and of adequate quality for basic needs, and welcomes the inclusion of this right in the United Nations' International Covenant on Economic, Social and Cultural Rights;
  3. Emphasises that distribution of water should be looked upon as essentially a public service and hence organised so as to guarantee affordable access for all; stresses that the key issue is not whether water provision is organised by a public or private entity but

rather the specific obligations provided by the policy framework; considers that it is up to the public authorities in developing countries to define the legal framework for regulating the work of operators;

4. Notes that the most disadvantaged inhabitants of developing countries continue to face a shortage of drinking water despite the efforts undertaken so far by the international community, that the solutions focusing on the privatisation of drinking water supplies put forward by donors have failed, and that consequently there has been no improvement in access to drinking water and no decline in illnesses related to lack of water;
5. Considers that the public-private partnership system, whereby the public authorities retain the ownership of the infrastructure and conclude a management contract with the private sector – securing access for all and ensuring publicly transparent pricing – should be viewed not as a panacea but as one of several ways of providing improved access to water;
6. Notes that several studies show that the privatisation of water services following the ‘full cost recovery’ principle has led to an increase in charges, preventing the poorest communities in LDCs from having access to drinking water;
7. Stresses the need for a pricing system which allows everyone access to the water required to meet essential needs and which ensures efficient use of water by giving users responsibility;
8. Considers that a serious assessment of the privatisation of water services in developing countries, including the social, economic and environmental impact, is essential and calls for this to be carried out urgently, in order that the findings can be taken fully into account in the negotiations on the GATS agreement;
9. Considers that technology choices have a different impact on women and men and that implementation of gender perspectives has proved to be successful at local level but is still difficult on a larger scale;
10. Considers that several management models exist, ranging from the local cooperative to the national or municipal agency and not discounting a combination of public-private management, and therefore takes the view that it is the responsibility of the authorities in the countries concerned to adopt a policy able to satisfy the population’s needs;
11. Considers that a revision of Articles VI and XXI of the GATS agreement is needed in order to protect the right of each developing country to decide freely on its method of water supply, in accordance with the collective national or regional interests of the population concerned;
12. Encourages the Commission and the Member States to call on the World Bank and the IMF to demonstrate flexibility with regard to the type of water management and supply services required as a condition of grants and loans and to accept the right of a country to decide freely on its method of water supply, whether this be private, public or a mixture of both;
13. Invites the Commission and Member States to adopt a water-management aid policy based on the principle of universal, equitable and non-discriminatory access to safe water;

14. Requires gender impact assessment for all water projects to ensure equal distribution of responsibilities and benefits among men and women, including distribution of work, paid opportunities and capacity building;
15. Insists on the need for local public authorities to be given support in their efforts towards establishing an innovative, participatory, democratic system of public water management that is efficient, transparent and regulated and that respects the objectives of sustainable development in order to meet the population's needs; stresses in this context the need for development of local capacities for the establishment and maintenance of the water supply system, and for a sustainable approach by the population to the scarce water resources;
16. Considers that it is up to the public authorities in the developing countries to define the legal framework for regulating the work of private operators, and that it is within this framework that the private sector can play an important role;
17. Calls on the Commission and the Member States to encourage partnerships between the public sector and the private sector for the management of water in developing countries, in such a way as to reap the benefit of the expertise of the private sector in the technical and management fields whilst at the same time creating jobs at local level;
18. Emphasises the need to implement new techniques, appropriate to local conditions and based on local expertise, for irrigation, water abstraction, rainwater collection and waste water recycling, and to use renewable energies for production of electricity;
19. Calls on the Commission and Member States to put an end to the exporting of pesticides to the developing world that are banned within the EU, since these pesticides pollute the environment and contaminate ground water, thereby endangering public health;
20. Emphasises the importance of setting up joint water-management bodies in countries bordering the same basin, in order to create or strengthen a sense of solidarity that will help to ease tensions and resolve conflicts;

### ***The European Water Fund***

21. Recognises the need to mobilise substantial funds in order to meet the basic needs of the vast majority of the populations, notably in Africa, who suffer from a shortage of drinking water and a lack of sanitation services;
22. Takes the view that the establishment of a European Water Fund is a good initiative in principle and that the fund must make it its main objective to support the water policy of the beneficiary countries, which must be based on democratic management and equitable distribution;
23. Reaffirms that access to water for all without discrimination is a right, and therefore takes the view that appropriate measures must be taken to ensure that insolvent people are not deprived of such access;
24. Takes the view that the fund must help the ACP countries to put in place measures clearly regulating management and control of the water sector, and must promote the

development of local capacities for the establishment and maintenance of water supply systems;

25. Proposes that the management of the fund should be based on the EU-ACP partnership, including national and regional organisations made up of the ACP governments, representatives of the local private sector and users;
26. Calls on the ACP countries to hold national and regional consultations involving representatives of civil society and local private players with a view to devising appropriate strategies to meet the socio-economic needs of the population;
27. Calls on the Commission and the ACP countries to present a joint proposal concerning the specific implementing mechanisms for this fund – infrastructure types, management bodies and financing systems;
28. Takes the view that the success of the fund depends on participation by its beneficiaries, who must be involved in the processes of design, implementation, monitoring and assessment, as well as in the management and control of the European fund;
29. Calls for the use of debt-for-water swaps, so that some of the ACP countries' debt can be waived and used to fund basic water supply and sanitation infrastructures;
30. Calls for a study of the impact of the water policy pursued to date with a view to learning lessons from it and defining an appropriate policy for each specific situation;
31. Takes the view that water policy should encompass economic viability, social solidarity, environmental responsibility and rational use in order not to compromise the needs of future generations;

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32. Instructs its President to forward this resolution to the Council, the Commission, the governments of the ACP countries, the World Bank and the specialised agencies of the United Nations Organisation.

## **P5\_TA-PROV(2003)0378**

### **Trade and development**

#### **European Parliament resolution on the Communication from the Commission to the Council and the European Parliament on trade and development - assisting developing countries to benefit from trade (COM(2002) 513 – 2002/2282(INI))**

*The European Parliament,*

- having regard to the communication from the Commission (COM(2002) 513),
- having regard to the WTO Ministerial Declaration adopted on 14 November 2001 in Doha (Qatar),
- having regard to the ACP-EC Partnership Agreement signed on 23 June 2000<sup>1</sup> in Cotonou (Benin), and in particular its Title II of Part 3 on economic and trade cooperation,
- having regard to the political declaration of the World Summit on Sustainable Development held in Johannesburg from 26 August 2002 to 4 September 2002,
- having regard to the Cape Town Declaration on future ACP-EU negotiations of new trading arrangements, adopted by the ACP-EU Joint Parliamentary Assembly on 21 March 2002 in Cape Town (South Africa)<sup>2</sup>,
- having regard to the ACP Guidelines for the Negotiations of Economic Partnership Agreements, adopted by the ACP Council of Ministers on 27 June 2002 in Punta Cana (Dominican Republic), and the decision on the negotiation of EPAs and participation in international trade adopted by the third Summit of ACP heads of state and government on 19 July 2002, in Nadi (Fiji),
- having regard to its resolution of 3 September 2002 on trade and development for poverty eradication<sup>3</sup>,
- having regard to its resolution of 26 September 2002 on the European Parliament's recommendations to the Commission concerning the negotiation of Economic Partnership Agreements with the ACP countries and regions<sup>4</sup>,
- having regard to its resolution of 15 May 2003 on capacity-building in the developing countries<sup>5</sup>,

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<sup>1</sup> OJ L 317, 15.12.2000, p. 3.

<sup>2</sup> OJ C 231, 27.9.2002, p. 63.

<sup>3</sup> P5\_TA(2002)0389.

<sup>4</sup> P5\_TA(2002)0453.

<sup>5</sup> P5\_TA(2003)0212.

- having regard to the final declaration adopted on 18 February 2003 by the WTO Parliamentary Conference in Geneva (Switzerland),
  - having regard to the contributions made at the joint hearing held by the Committee on Development and Cooperation and the Committee on Industry, External Trade, Research and Energy on 21 May 2003,
  - having regard to the UNCTAD report on trade and development for 2002,
  - having regard to Rule 47(2) and Rule 163 of its Rules of Procedure,
  - having regard to the report of the Committee on Development and Cooperation and the opinion of the Committee on Industry, External Trade, Research and Energy (A5-0277/2003),
- A. noting with concern that the poorest countries' share in world trade has fallen back over the last decade and that their dependence on low-value-added products has increased,
  - B. whereas the WTO Doha development round must have the overriding priority of redressing North-South imbalances in the world trade system in the interests of sustainable development and the fight against poverty,
  - C. whereas the benefits generated by trade do not reach all countries equally and may even have a negative impact in some cases, as shown by the fact that the gulf separating rich countries from poor countries has become deeper,
  - D. whereas the objective of the Development Agenda of the World Trade Organisation (WTO) is precisely to ensure that the least-developed countries may benefit from trade liberalisation and thus improve their levels of economic growth, thereby helping to eradicate poverty,
  - E. whereas, if developing countries are to be helped to benefit from trade, the first step which must be taken is to pay prices for the products exported by these countries that reflect their real value, i.e. to promote fair trade,
  - F. whereas the development of and increase in economic activity is mainly the outcome of technology transfers, the development of public services, a skilled workforce, the development of internal and regional markets, the intelligent and selective opening-up of markets to external competition, and achieving a balance between market opening and better regulation,
  - G. whereas trade cannot exist without products to exchange, and it is therefore necessary for many middle-income countries, in order to create a production and export structure capable of handling competition on the world markets, to restructure their production, in a process which will take considerable time for middle-income countries and even longer for the least-developed countries,

- H. whereas it is vital that Community development cooperation policies should foster capacity-building so that the least-developed countries can be integrated into international trade,
- I. whereas non-reciprocal preferential market access is a necessary but insufficient condition for a real take-off in trade, given that it needs to be accompanied by a parallel process to boost production capacity, establish stable guaranteed prices for products that are essential to development, and resolve the external debt problem,
- J. noting with concern the speed-up in the over-exploitation of the natural resources on which poor communities largely depend for their survival,
- K. whereas the liberalisation of services, particularly energy, water and environmental services, can work against capacity-building in developing countries in these sectors which are vital for the countries' economy, the survival of their populations and poverty reduction,
- L. whereas deadlines set in Doha on issues of particular importance for developing countries – including agricultural subsidies, special and different treatment, TRIPS and public health and implementation issues – have not been respected, and whereas, far from phasing out export subsidies, the US has sharply increased them,
- M. whereas the liberalisation of agricultural markets must begin with a large reduction by all industrialised countries in all agricultural tariffs and quantitative restrictions on agricultural imports from developing and least-developed countries, and whereas the survival of small farmers, food security and environmentally friendly methods of farming must be encouraged both in developing and industrialised countries,
- N. whereas coffee and cocoa prices have slumped in recent months,
- O. whereas if the export sector in a developing country is – as is often the case – not integrated into the rest of the economy, its ability to promote growth in other productive sectors will be reduced or cancelled out,
- P. whereas trade is one development tool among others, which cannot and must not replace development aid; pointing out in this connection that the Member States are making slow progress towards the objective of devoting 0.7% of their GNP to development aid,
- Q. noting that the Commission did not refer to the external debt issue, even though this problem affects numerous developing countries and is blocking their chances of development,
- R. having regard to the need to democratise the system of regulation of international trade and to establish a fairer balance of powers and competences between the various international institutions,
- S. having regard to the concern existing in the ACP countries over the WTO dispute settlement proceedings brought by Brazil and Australia against certain elements of the sugar regime and the 'Everything But Arms' initiative,



- T. whereas the 1992 Earth Summit in Rio de Janeiro set itself the objectives of promoting sustainable development capable of responding to the demands of economic growth, social integration and environmental protection,
1. Stresses that trade and investment must be put at the service of development and the wellbeing of communities; welcomes the Commission's communication, which introduces some important features that will enable the European Union to respond more effectively to its general commitments to the developing countries;
  2. Believes that the EU must pursue a consistent policy on development aid for developing countries by reforming its agricultural and trade policies, as well as its fisheries policy, with a view to promoting sustainable development and combating poverty in an effective manner;
  3. Believes that EU commercial exchanges must foster the fair trade which will allow the developing countries to build up their economy, restore social cohesion and protect their markets and natural resources;
  4. Calls for the Commission to take account of new development objectives and the EU's new international commitments, notably those made at Bangkok, Monterrey, Johannesburg and the G8 summit;
  5. Calls for the sustainable impact assessment to be carried out systematically before and after trade agreements are concluded, with the active participation of the populations concerned;
  6. Calls on the Commission not to put pressure on developing countries to indiscriminately liberalise and deregulate their markets, and to shift the emphasis towards policies which will help those countries increase their capacity to provide necessary goods and services, first for their own internal markets and then, as their quality improves, to be able to compete in international markets; also calls on the Commission to help strengthen and diversify their economies and boost their internal markets on the basis of asymmetrical trade arrangements with the EU and boost their trade relations with neighbouring countries;
  7. Believes that, if the EU wishes to provide effective support for developing countries, it must carry out an assessment of the impact of its trade policy on the populations of developing countries, whether at bilateral and/or multilateral level, in order to draw the necessary lessons and redesign its trade policy; considers, consequently, that a fair and regulated trade system whose goal is a global sustainable development strategy is the best means of promoting economic growth and employment;
  8. Points out that fair trade between North and South entails paying a fair price for developing countries' resources and agricultural products, i.e. a price which reflects internal and external production costs, whilst respecting minimum criteria for working and wage conditions among the workforce and as regards environmental protection;
  9. Calls on the Commission to strengthen, or where necessary re-establish, the systems guaranteeing minimum prices for certain products that are crucial to the survival of

millions of people in the developing countries, as in the cases of coffee and cocoa, products for which urgent action has to be taken;

10. Calls on the Commission swiftly to produce a communication on primary products which should place the emphasis on the nature of trade between developing countries and the rest of the world and provide appropriate and realistic solutions to the volatility of markets in commodities and agricultural products;
11. Calls on the Commission to ensure inclusion of the protection and renewal of natural resources and the safeguarding of the communities which depend on them as a key theme of the national strategic documents concerning the developing countries;
12. Calls for acceleration of the timetable for the phasing-out of export subsidies under the Doha agreements;
13. Recalls the objectives of the preservation of small-scale farming in both developing and industrialised countries and of food security;
14. Recalls the commitment adopted in Doha to improve in particular market access for those products where the developing countries enjoy a comparative advantage, essentially labour-intensive agricultural and industrial products;
15. Calls on the Commission, in cooperation with the 49 least-developed countries to continue examining the barriers preventing them from participating in world trade, the national factors which act as a deterrent to domestic and foreign investment, the growth of private business and the development of human resources;
16. Stresses the important role in achieving these objectives to be played by the multilateral negotiating process launched in Doha, while at the same time encouraging regional integration between developing countries;
17. Considers that the Doha round must allow developing and least-developed countries the flexibility they need to maintain their subsistence farming sector as well as to fulfil their development and food security needs; and therefore calls on the Commission to support the application of the special provisions of the WTO agriculture agreement empowering developing countries to protect their small producers by means of a stability fund;
18. Calls on the EU and all developed countries to make further efforts to assist the poorest countries in diversifying their production and increasing the export of their locally processed high-value products;
19. Wishes to see greater integration of the export sector with the rest of the economy in the developing countries, with a view to reinforcing that sector's capacity to stimulate growth by boosting other forms of productive activity;
20. Points out that when boosting productive activity attention should be paid to the implementation of core labour standards; stresses in that context that (forced) child labour should be phased out;

21. Believes that the – socially and ecologically responsible – private sector can contribute to sustainable development and the fight against poverty; considers, further, that the developing countries have a responsibility to adopt appropriate rules to protect their own industries and open up selected parts of their markets in line with their economic situation;
22. Calls on the EU to defend, above all in the WTO, the position that certain essential goods such as water and land cannot be left to market forces alone, and, with regard to water resources, to promote the following four key objectives:
  - water should be recognised as a common resource, and national/regional institutions should be created to oversee water use;
  - access to water should receive public funding;
  - water management should be democratised on the basis of bodies enabling direct participation in the management of springs, rivers and basins;
  - education campaigns should be carried out to promote responsible and ecologically sustainable water management;
23. Supports the efforts being made by the Commission and Brazil to secure a compromise in the WTO's TRIPS Council on access to medicines for developing countries; deplores the obstructive attitude of the US on this issue;
24. Considers that the language of the Doha declaration is clear and unambiguous and that the Commission must respect the Declaration and reject any position that would result in limitations regarding the scope of diseases or the countries that could make use of an effective solution to the problem defined in paragraph 6 of that Declaration;
25. Believes that failure to honour the Doha agreement on TRIPS and Public Health would constitute a breach of faith by the industrialised countries, which could derail the current trade round, and therefore calls on all WTO members to implement paragraph 6 of that Declaration without delay;
26. Calls on the Commission to refrain from taking any measures which could undermine the development prospects of ACP countries or their efforts to preserve their unity, both in the second phase of negotiation of the EPAs and in the framework of the WTO, since unity is essential if the common interest is to be promoted;
27. Calls on the Commission to accept the ACP group's request concerning the creation of a joint ACP-EU committee to monitor the WTO negotiations;
28. Calls on the Commission and the Member States to take action, especially within the international financial institutions, to deal with the developing countries' debt problem, possibly by proposing monitoring mechanisms in respect of the reinvestment of capital released by debt cancellation or lower interest rates, with a view to ensuring tangible benefits for local communities;

29. Reiterates its request that, within the framework of Community development policy, the Commission should not limit its efforts to providing technical assistance at a strictly trade-related level but should place more emphasis on building agricultural, commercial and institutional capacity, as well as the capacity of small and medium-sized businesses in developing countries – which are important if the benefits of trade and development are to be spread as widely as possible – and as regards monitoring marketing circuits, so as to face up to competition from products from the European Union or from other developed countries;
30. Calls on the Commission to recognise the important role multinational enterprises can play in improving the economic and social situation in developing countries due to their enormous potential in terms of capacity-building, transfer of knowledge and expertise, and ('offset') investment capacity, which lead to the creation of wealth and employment at local level;
31. Stresses that it is vital, in the context of drawing up the national strategic documents, that aid beneficiaries should take part in the selection of priority objectives in the field of capacity-building and the methods by which they are to be achieved, with ownership as a natural part of this;
32. Calls on the Commission to provide financial support for undertakings and associations which practise and promote fair trade in the European Union;
33. Calls on the Commission to support the detailed proposals put forward by 22 countries in April 2002 for democratising the workings of the WTO; calls on the Commission and the Member States to take initiatives with a view to establishing a fairer balance of powers between the various international organisations;
34. Calls for EU trade policy to support the implementation of socio-economic, environmental and health objectives in developing countries;
35. Calls on the Commission to take account of the concerns of the developing countries, which lack the capacity to handle numerous trade negotiations at the same time;
36. Considers it vital to establish the necessary mechanisms, at all levels, to coordinate the work of international institutions in the field of capacity-building so as to contribute to developing countries' integration into international trade;
37. Calls on the Commission to enact a code of conduct comprising ethical, social and environmental clauses intended for European undertakings making direct investments in developing countries, so that through trade these undertakings might help to promote sustainable development, good governance and respect for human rights in developing countries;
38. Instructs its President to forward this resolution to the Council and Commission.

## **P5\_TA-PROV(2003)0379**

### **Health and poverty reduction in developing countries**

#### **European Parliament resolution on the Commission communication on Health and Poverty Reduction in Developing Countries (COM(2002) 129 – C5-0334/2002 – 2002/2178(COS))**

*The European Parliament,*

- having regard to the Commission communication (COM(2002) 129 – C5-0334/2002),
- having regard to Article 152 and Articles 177 to 181 of the Treaty establishing the European Community,
- having regard to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000<sup>1</sup>,
- having regard to the Policy Statement on the EC Development Cooperation (April 2000),
- having regard to its resolution of 1 March 2001 on the European Community's Development Policy<sup>2</sup>,
- having regard to its resolution of 15 March 2001 on access to medicines for AIDS patients in the Third World<sup>3</sup>,
- having regard to its resolution of 4 October 2001 on accelerated action targeted at major communicable diseases within the context of poverty reduction<sup>4</sup>,
- having regard to the resolution adopted by the ACP-EU Joint Parliamentary Assembly in Cape Town on 21 March 2002 on health issues, young people, the elderly and people living with disabilities<sup>5</sup>,
- having regard to its position of 30 January 2003 on the proposal for a regulation on aid for poverty diseases (HIV/AIDS, malaria and tuberculosis) in developing countries<sup>6</sup>,
- having regard to the Rome Declaration on Hunger adopted by the World Food Day Colloquium (October 1982),
- having regard to the United Nations Convention on the Rights of the Child,

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<sup>1</sup> OJ L 317, 15.12.2000, p. 3.

<sup>2</sup> OJ C 277, 1.10.2001, p. 130.

<sup>3</sup> OJ C 343, 5.12.2001, p. 300.

<sup>4</sup> OJ C 87 E, 11.4.2002, p. 244.

<sup>5</sup> OJ C 231, 27.9.2002, p. 55.

<sup>6</sup> P5\_TA(2003)0031.

- having regard to the Rio Declaration on Environment and Development adopted by the United Nations Conference on Environment and Development (14 June 1992),
  - having regard to the Protocol on Water and Health to the 1992 UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention),
  - having regard to the Millennium Development Goals (MDG) adopted at the Millennium Summit of the United Nations (6-8 September 2000),
  - having regard to the Monterrey Consensus of the United Nations International Conference on Financing for Development (22 March 2002),
  - having regard to the Johannesburg Declaration on Sustainable Development adopted by the United Nations World Summit on Sustainable Development (4 September 2002),
  - having regard to the resolution of the Council and Representatives of the Governments of the Member States on Health and Poverty of 3 May 2002,
  - having regard to Rule 47(1) of its Rules of Procedure,
  - having regard to the report of the Committee on Development and Cooperation and the opinion of the Committee on Women's Rights and Equal Opportunities (A5-0217/2003),
- A. whereas health is a basic human right recognised in Article 25(1) of the Universal Declaration of Human Rights,
- B. whereas there can be no sustainable economic and social development without good health; and in developing countries, disease, disorder and disability continue to limit individual and collective human development,
- C. whereas health and the need to improve health outcomes for the poor feature prominently in the Millennium Development Goals (MDGs),
- D. whereas the achievement of the Programme of Action of the International Conference on Population and Development (ICPD) is vital in realising the MDGs,
- E. whereas the European Community is committed to greater support for improved health under the new ACP-EU Partnership Agreement and in its Policy Statement on Development Policy,
- F. whereas the resolution on the general budget for 2003 emphasised the need to increase EU interventions in basic health, building on the agreement to ensure a minimum 35% allocation to social spending,

### ***Health and poverty***

1. Welcomes the Commission's Communication setting out a framework policy for health aid in developing countries;

2. Believes that the focus on reducing poverty is correct, but, as well as the focus on the three poverty diseases, believes it is important to support other areas of healthcare such as action to combat diarrhoeal diseases, which in particular kill hundreds of thousands of children, and also to the problems linked to areas such as mental and physical disorder;
3. Given that 3 million people die every year from water-borne diseases, calls on the Commission and the Member States to raise their contributions towards meeting the MDG target 10 of halving by 2015 the proportion of people without sustainable access to safe drinking water;
4. Emphasises that there are a number of other debilitating diseases and calls on the Commission and the Member States to make an impact in such areas as dysentery, cholera, river blindness, meningitis, epilepsy, diabetes, asthma, typhoid, hepatitis, polio, lymphatic filariasis, diphtheria, pertussis, measles, mumps, tetanus, haemophilus influenzae, pneumococcus, rotavirus and yellow fever;
5. Believes that the strategy for effective investment in health is as important as the total spending available, notes the dramatic improvements that have taken place where national immunisation programmes have focused on comprehensive local implementation, and believes that extensive vaccination campaigns against common diseases are therefore vital;
6. Underlines that better basic health and education can lead to better individual and family health, more effective use of health services and improved family planning and a reduction in sexually transmitted diseases, which means that poverty reduction must be given pride of place amongst all development policy measures;
7. Stresses that the fight against poverty involves access to education, training and the new information technologies, as well as access to property and saving and credit mechanisms, and calls on the European Community to develop specific measures directed at women in these areas, particularly as part of its cooperation and development policy; calls on the Commission to take positive action against trade and trafficking in human organs;
8. Asks the Commission to foster the involvement of local populations, and in particular that of women, in order to bring about substantial changes in the field of health, with a view to establishing fora that are open to everyone regardless of their race, religion or gender, thereby enabling an indigenous health system to be developed without imposing the model used in developed countries; certain cultural traditions, or ones relating to religious beliefs, exclude women from access to sexual and reproductive health services;
9. Asks the Commission to support the initiatives aimed at reinforcing the role of primary health care, which is the only means of extending complete health to the very poor; points out that there is also a need to ensure universal access to health care and to guarantee access to adequate sexual and reproductive health services and the access of local populations to medicines, and to support the strengthening of public health systems, the development of healthcare skills and the promotion of research;
10. Notes that HIV/AIDS affects the very sector of the population that is able to work, and calls for increased support for the Global Fund to fight AIDS, Tuberculosis and Malaria (GFATM);

11. Stresses the urgency of promoting access to medicines for all and recognises that there is a need to encourage pharmaceutical producers to make available pharmaceutical products at affordable prices in increased volumes by ensuring that such products remain on the market;
12. Believes that palliative care has received inadequate attention in areas where HIV/AIDS is rampant; urges that, in its community non-hospice form, it should be enabled to play its low-cost part in caring for those with life-limiting diseases, such as HIV/AIDS, tuberculosis and cancer, and that treatment should also be authorised, under medical supervision, using painkillers such as morphine, which are otherwise considered as narcotics and the use of which is legally restricted;
13. Notes that mental disorders such as depression are accelerating significantly, but that mental health services in developing countries are often poor or non-existent and that, for individuals, the burden of the disorder is often compounded by stigmatisation by their local society; calls on the Commission and the Member States to place greater emphasis on mental health;
14. Notes the inadequate access to services for, and discrimination against, many people living with disabilities and calls on the EC and the Member States to help ensure good health and social care, including access to medical devices and rehabilitation services for people with disabilities, and to encourage education and training programmes that combat discrimination;
15. Notes the high rate of maternal and infant mortality; stresses the importance of universal access to reproductive health care services such as family planning, safe motherhood services, prevention, detection and treatment of sexually transmitted infections, including HIV/AIDS, and of access to infant health services including childhood vaccination; also notes the totally inadequate quality of sex education, particularly for young people, and in particular its failure to convey to boys and young men a change in cultural attitudes which would lead them to refrain from engaging in behaviour detrimental to the health and dignity of women;
16. Believes that bona fide traditional medicine and treatments can play a beneficial role in addressing health needs in developing countries when traditional healers and Western medical practitioners work in cooperation;
17. Notes that more than one third of all pregnancies are unwanted or ill-timed, due to lack of access to contraceptives and contraceptive failure: notes that millions of unsafe abortions are administered every year, killing nearly 80 000 women and causing hundreds of thousands of disabilities, which could, however, be prevented via adequate sexual and reproductive health education and care programmes;
18. Notes the large number of households relying on biomass fuels for cooking and heating without proper ventilation, exposing people to high levels of indoor air pollution, and calls for support for a shift from biofuels in the long term and improved cooking stoves equipped with flues or hoods in the interim; believes that measures to raise awareness of environmental protection are vital in order to curb the damaging use of wood and the deforestation this entails, and to encourage people to use solar power;



19. Notes the need to combat pollution, deforestation, desertification and industrial development given that they have a detrimental impact on health, especially through the impact on water supply and untreated waste and sewage;

### *Investing in health*

20. Notes that the Monterrey commitments fall short of the funds needed to meet the MDG of halving world poverty, of which women and children are particular victims, by 2015; notes that, according to the Commission on Macroeconomics and Health, an additional USD 31 billion of aid for the health sector is required;
21. Welcomes the African governments' initiative (Abuja 2001) to commit 15% of national budgets to health; notes, however, that the governments of developing countries spend on average less than 15% of their national budgets on basic social services whereas many poor or heavily indebted countries spend over 20% of their annual budgets on debt servicing;
22. Draws attention to the EUR 10 billion not spent by the European Development Fund and calls on the Commission to ensure that it is spent on the purposes for which it was budgeted, including health support;
23. Believes that there is a special need for investing in the health of displaced persons, refugees and victims of war and disaster to ensure that they have access to proper care and that this does not become an impossible burden on the health services of the receiving country;
24. Stresses the need for more effective and increased global investment in the development of new products, particularly vaccines, microbicides, vector control products and drugs, and emphasises the need for global collective action, coordination and financing to produce and develop - in sufficient quantities - specific global public goods, in particular those commodities, resources and services related to eradicating deadly communicable diseases, the benefits of which accrue to all people across borders, and the beneficial effects of which for an individual do not detract from the benefit to others;
25. Believes that there is a need for pharmaceutical companies to produce high quality compounds, for pharmacies to prescribe medicines responsibly, for individuals to adhere correctly to prescriptions and for drugs and vaccines already in production to be made more accessible, by supporting the full implementation of the Doha Declaration on public health and notably by increasing international cooperation, and stresses the need for the EU to show responsibility and solidarity by giving strong support to existing initiatives such as the national multi-year immunisation plans funded and supervised by the Global Alliance for Vaccines and Immunisation (GAVI) and the Vaccine Fund;

### *Improving effectiveness*

26. Agrees with the Commission that there is a need for additional selective and targeted approaches to complement ongoing Community support aimed at strengthening health systems with a view to delivering services that benefit the poor;

27. Notes that donor-driven projects can absorb scarce human and financial resources, can have limited coverage and can set standards that cannot be sustained, and that heavy reliance on foreign technical assistance can hinder the development of local capacity;
28. Stresses the importance of expanding the range of expertise in the field and of stemming the drain of skills, especially medical skills, from the developing world to the developed world;
29. Stresses the need for further coordination within the EU, between missions in the respective developing countries and between the EU and other donors, both globally and locally, and welcomes moves by the Commission to strengthen cooperation with Member States and with NGOs, including WHO, UNAIDS, UNFPA, UNICEF, the World Bank, GFATM, GAVI, Stop TB, Roll Back Malaria, the International AIDS Vaccine Initiative and the International Partnership for Microbicides;
30. Highlights the positive role that civil society, including faith-based organisations, can play in public-private partnerships;
31. Emphasises the desirability of involving international and local NGOs and communities in the health sector, and in particular the provision of primary care and peripatetic services;
32. Calls on the Commission to ensure that health is not included within the scope of the General Agreement on Trade in Services (GATS) as a 'service' subject to free market sources and productivity criteria;
33. Points out to the Commission that the importance of women as primary health promoters should be highlighted and that a gender perspective therefore needs to be introduced into health policies, into the statistics and research relating to them and into education, environment, international trade, agriculture and immigration policies; 20% of the world's population are currently of child-bearing age, making it crucial for information to be provided on sexual and reproductive health and health services, such as family planning and safe motherhood services, so as to enable this section of the population to guard against unwanted pregnancies, clandestine abortion and sexually transmitted diseases such as HIV/AIDS; stresses that the numbers and rates of HIV infection among women and girls are rising compared to those of men; points out that in 1997, 41% of HIV-positive adults were women and girls, and yet today this group accounts for 50% of all people living with HIV or AIDS worldwide; also notes that in sub-Saharan Africa, the figure is 58%;
34. Calls on the Commission to pursue an active policy aimed at combating trade and trafficking in counterfeit, adulterated or out-of-date medicines and their transit through the territory of the European Union;
35. Asks the Commission to introduce the concept of food sovereignty<sup>1</sup> alongside that of food security, with food sovereignty meaning the right of peoples to frame their own

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<sup>1</sup> According to the World Forum on Food Sovereignty held in Havana in September 2001, this is the means to eradicate hunger and malnutrition and guarantee lasting and sustainable food security for all the peoples of the world.

sustainable policies and strategies for the production, distribution and consumption of food;

***Monitoring***

36. Highlights the need for effective target setting and outcome measurements for individual projects and programmes;
37. Urges the use of specific indicators to assess the impact of EC assistance in terms of the various types of contribution;
38. Underlines the need to ensure that Country Strategy Papers reflect the basic principles of EC support for health in developing countries;
39. Considers that monitoring national budget allocations and health outcomes should form part of the Poverty Reduction Strategy Paper process;

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40. Instructs its President to forward this resolution to the Council, the Commission, the World Health Organisation (WHO) and the ACP-EU Joint Parliamentary Assembly.

## **P5\_TA-PROV(2003)0380**

### **Participation of non-state actors in EC development policy**

**European Parliament resolution on the communication from the Commission to the Council, the European Parliament and the Economic and Social Committee on participation of non-state actors in EC development policy (COM(2002) 598 - 2002/2283(INI))**

*The European Parliament,*

- having regard to the communication from the Commission (COM(2002) 598 - C5-0625/2002),
- having regard to the Council's conclusions of 19 May 2003 on that communication<sup>1</sup>,
- having regard to the revised preliminary draft opinion of the European Economic and Social Committee of 26 March 2003 on the role of civil society in European development policy<sup>2</sup>,
- having regard to Articles 177, 178, 179, 180, 181 and 181a of the EC Treaty,
- having regard to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000<sup>3</sup>,
- having regard to the Council and Commission Joint Declaration of 10 November 2000 on the European Community's development policy<sup>4</sup>,
- having regard to its resolution of 1 March 2001 on the Commission communication to the Council and the European Parliament on the European Community's Development Policy<sup>5</sup>,
- having regard to the Commission communication entitled 'Towards a reinforced culture of consultation and dialogue – General principles and minimum standards for consultation of interested parties by the Commission' (COM(2002) 704),
- having regard to the Commission White Paper on European governance<sup>6</sup>,
- having regard to the Commission White Paper on reform of the Commission (COM(2000) 200) and in particular Chapter II (IV) thereof on improving the dialogue with civil society,

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<sup>1</sup> DEVGEN 63/RELEX 169/Doc. 9125/03.

<sup>2</sup> REX/097-R/CESE/669/2002 rev.

<sup>3</sup> OJ L 317, 15.12.2000, p. 3.

<sup>4</sup> Doc. 13458/02 DEVGEN 140.

<sup>5</sup> OJ C 277, 1.10.2001, p. 130.

<sup>6</sup> OJ C 287, 12.10.2001, p. 1.

- having regard to its resolutions of 30 November 2000 on the Commission White Paper on reforming the Commission (aspects concerning the Committee on Budgets)<sup>1</sup>,
- having regard to its resolution of 10 December 1996 on the participation of citizens and social players in the European Union’s institutional system and the IGC<sup>2</sup>,
- having regard to its resolution on the Commission communication entitled ‘Democratisation, the rule of law, respect for human rights and good governance: the challenges of the partnership between the European Union and the ACP states’<sup>3</sup>,
- having regard to its resolutions of 19 February 1987<sup>4</sup> and 14 May 1992<sup>5</sup> on the role of non-governmental organisations in development cooperation,
- having regard to the International Labour Organisation Declaration on Fundamental Principles and Rights at Work of 18 June 1998,
- having regard to Council Regulation (EC) No 1658/98 of 17 July 1998 on co-financing operations with European non-governmental development organisations (NGOs) in fields of interest to the developing countries<sup>6</sup>,
- having regard to European Parliament and Council Regulation (EC) No 955/2002 of 13 May 2002 extending and amending Council Regulation (EC) No 1659/98 on decentralised cooperation<sup>7</sup>,
- having regard to the evaluation of the de-centralised cooperation budget line B7-6002 of September 2000<sup>8</sup> and to the evaluation of the budget line B7-6000 of co-financing operations with European non-governmental development organisations (NGDOs) of December 2000<sup>9</sup>,
- having regard to the Commission’s replies to the questionnaire by Richard Howitt in relation to the Commission communication (COM(2002) 598 - C5-0625/2002)<sup>10</sup>,
- having regard to Rules 47(2) and 163 of its Rules of Procedure,
- having regard to the report of the Committee on Development and Cooperation and the opinion of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy (A5-0249/2003),

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<sup>1</sup> OJ C 228, 13.8.2001, p. ?.

<sup>2</sup> OJ C 20, 20.1.1997, p. 31.

<sup>3</sup> OJ C 104, 14.4.1999, p. 185.

<sup>4</sup> OJ C 76, 23.3.1987, p. 128.

<sup>5</sup> OJ C 150, 15.6.1992, p. 273.

<sup>6</sup> OJ L 213, 30.7.1998, p. 1.

<sup>7</sup> OJ L 148, 6.6.2002. p. 1.

<sup>8</sup> Aidco, evaluation, ref. 951516, 09/2000.

<sup>9</sup> Aidco, evaluation, ref. 951568, 12/2000.

<sup>10</sup> PE 326.730 - available in EN & FR.

- A. whereas ownership of development strategies by partner countries and the widest possible participation by all sections of society are key principles in EC Development policy; and whereas participation by non-state actors (NSAs) does not in itself guarantee the establishment of policies for bottom-up development, poverty-reduction and social inclusion and should instead flow from them,
- B. whereas the UN General Assembly, in its UN Millennium Declaration of September 2000, resolved to develop strong partnerships with the private sector and with civil society organisations in pursuit of development and poverty eradication, with its accompanying Agenda for Action incorporating 1300 civil society organisations worldwide,
- C. whereas, according to an estimate made by the Commission<sup>1</sup>, out of 63 country strategy papers analysed, NSA inputs were taken into account only in 36 cases, suggesting that in 23 cases NSAs were consulted and ‘ignored’,
- D. whereas some of the responsibilities of the European Parliament’s Committee on Development and Cooperation are the promotion, application and monitoring of the development and cooperation policy of the European Union, in which consultation with European and southern NSAs plays a vital role,

A. ***General principles***

- 1. Welcomes the Commission communication on participation of non-state actors in EC development policy as a significant step forward in promoting a participatory approach in all EC development programmes;
- 2. Recognises that the role of NSAs is essential in carrying out the process of political democratisation, building an active civil society and strengthening economic and social cohesion, all of which are necessary components of any form of sustainable development; stresses, however, that the involvement of NSAs in EU development policy should be based on EU guidelines and priorities given to the EU’s political responsibility and its commitment in seeking global solutions for peace, security and harmonious world development;
- 3. Welcomes the attempt to spread the principle, set out in the Cotonou Agreement (inter alia, Articles 2, 4 and 6 thereof ) of NSA participation in each and every stage of development policy in all regions; regrets, nevertheless, that the fundamental principle stated in the Cotonou Agreement of opening the partnership up to all different kinds of NSAs, in order to encourage the integration of all sections of society into the mainstream of political, economic and social life, is not sufficiently reflected in the Commission’s communication;
- 4. In particular, emphasises that as long as NSAs are not involved in the drawing up of EU development policy documents such as regional strategy papers, country strategy papers, national indicative programmes and regulations, there is a risk that the principles outlined in the communication will never, in reality, be put into practice;

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<sup>1</sup> Replies to Questions 1 & 2 (PE 326.730).

5. Calls for policy dialogue with NSAs to include all aspects of relations between the EU and third countries that have an impact on development in the broadest sense of the word;
6. Considers it a priority to combine the efforts of the EU, its Member States, international multilateral organisations and NSAs to combat extreme poverty in the world; calls for close cooperation with economic operators in developing countries to ensure the utmost consistency and effectiveness of actions undertaken to combat this painful phenomenon;
7. Considers it important to improve dialogue and consultation between local NSAs and national authorities in developing countries in crucial areas such as the judiciary, public administration and the media, in order to strengthen the abilities, accountability and transparency of public institutions and to increase public sector effectiveness in applying the principles of respect for human rights and good governance, and in fighting corruption;
8. Regrets that there was no official solicitation for southern or northern NSAs to contribute to the communication, which runs counter to the principles aiming to ensure ‘an adequate level of consultation and participation in all partner countries’;
9. Acknowledges the subsequent informal consultation of various NSA groups by the Commission for the drafting of the ‘Guidelines on principles and best practices for the participation of non-state actors in development dialogues and consultations’ (hereafter ‘the Guidelines’) as a practical follow-up to the communication<sup>1</sup>, but regrets the short timescale allowed for this;
10. Calls on the Commission to draw on a spectrum of ‘global best practice’ and lessons learnt in participatory approaches established by other international actors such as the United Nations, the World Bank, bilateral agencies and academic institutions<sup>2</sup>; considers that efficiency will be enhanced by stimulating the creation of national sectoral umbrella organisations, involving all the grassroots organisations, to act as partners in the dialogue;
11. Rejects the artificial distinction proposed in the communication between NSAs as implementing partners and NSAs acting on their own initiative, which, as the Commission accepts<sup>3</sup>, fails to reflect the diversity within the NSA community;

***B. Finding the right place for NSAs in the policy dialogue***

12. Calls for the Commission to fully implement the principles outlined in its above-mentioned communication (COM(2002) 704), in particular a commitment to open, inclusive and non-restrictive dialogue with NSAs in development policy at all levels of policy formulation and implementation;

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<sup>1</sup> Replies to Questions 11 & 12 (PE 326.730).

<sup>2</sup> Concrete publications are: ‘The World Bank Participation Sourcebook’ (World Bank), the ‘Fact Sheet: Presentation of Products for Poverty Reduction Strategies (PRS) - Instruments, Methods, Approaches’, GTZ and ‘Rethinking Governance Handbook: An inventory of Ideas to Enhance Participation, Transparency and Accountability’, University of Victoria’s Center for Global Studies, Canada. All these publications are available at [www.worldbank.org/participation/tools&methods/toolkitsmanuals](http://www.worldbank.org/participation/tools&methods/toolkitsmanuals).

<sup>3</sup> Reply to Question 20 (PE 326.730).

13. Welcomes the bi-annual meetings between the Commissioner for Development and the non-governmental development organisation (NGDO) community; calls for the Commission and NGDOs to cooperate in preparing the agenda and contents of the meetings to allow the latter a real input in policy formulation;
14. Welcomes the fact that the EU-ACP Council of Ministers has taken some steps to facilitate the implementation of Article 15 of the Cotonou Agreement in relation to NSA involvement in Joint EU-ACP Council meetings, with the organisation of the meeting with NSAs on 16 May 2003; calls on the EU-ACP Council of Ministers to guarantee the broad participation of NSAs in all of its meetings and calls for similar provisions to be adopted for all developing countries and regions;
15. Calls on the Commission to set up a contractually binding obligation for the participation of southern NSAs in all EC Cooperation Agreements and Programmes (ALA, MEDA, Tacis, Cards, etc.) following the model set up in the Cotonou Agreement and thus enhancing the creation of a 'culture of dialogue' in developing countries<sup>1</sup>;
16. Calls on the Commission to ensure in all its communications with developing country governments that it underlines that increased participation of NSAs in the formulation and implementation of public policies is fully consistent with parliamentary democracy, and that a strong and diverse civil society in all countries strengthens democratic values by promoting public debate, scrutiny and participation;
17. Calls for the setting-up of multi-stakeholder national or regional cooperation programme steering committees in each developing state or region, to be consulted on EU aid programmes and promote all aspects of civil society participation and including representatives of the ACP State concerned, the head of the European Commission delegation in the country concerned, and representatives of the local NSAs;
18. Calls on the Commission to actively participate with private sector NSAs, in both the north and the south, and their stakeholders on issues relating to corporate social responsibility and insists that these issues be extended to their supply chain and subcontractors;
19. Calls on the Commission to ensure both NSA input, and a continuing demonstrable improvement in this input, in the forthcoming process of the mid-term review of country strategy papers in all countries;
20. Emphasises the importance of supporting the creation and growth of democratic trade unions in southern countries as a prerequisite for sustainable economic development; calls for the Commission to ensure practical implementation of the core International Labour Organisation conventions in all its development activities, and to guarantee the participation of southern trade unions, through the transfer of know-how from northern to southern trade union associations, in particular through the organisation of regional conferences, and also to support the setting-up of an independent ACP Trade Union Forum to parallel representation for business and wider civil society;

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<sup>1</sup> Reply to Question 22 (PE 326.730).



21. Stresses that private sector NSAs, active in trade and industry, can offer an important contribution to development cooperation due to their experience and know-how;
22. Recognises its obligations to constantly ensure and improve its involvement with representatives of NSAs in development policy, and in particular the need for the appropriate Committee to undertake regular dialogue through such mechanisms as seminars and hearings, as well as through the individual preparation of reports; considers it necessary to amend Annex VI point XIV of its Rules of Procedure to support this;

**C. *Implementation mechanisms, measurable targets and monitoring indicators***

23. Emphasises the importance of the mapping exercise<sup>1</sup> undertaken by the Commission to establish a realistic picture of the potentialities and needs of local NSAs in development programmes specific to each country, and for the incorporation of the results of this exercise into country strategy papers in a consistent way, in consultation with local NSAs;
24. Highlights the importance of the objective pursued by budget line B7-6000 (NGO Co-financing line) to promote own-initiative development activities by European NGDOs; welcomes the improvements introduced by the Commission (AIDCO) in the management of this line, which have led to a significant reduction of the time lapsing between the submission of a proposal and the final decision; regrets, however, successive attempts by the Commission to reduce the funding available in presenting its preliminary draft budget, as well as the continued understaffing of the unit responsible; notes the ongoing review aiming to further improve the quality of the selected projects and expects the European Parliament to be involved in this exercise in the near future;
25. Believes that European-based NGDOs play an essential role in development education and awareness amongst European citizens, in research and innovation in development policy, as well as in the implementation of specific programmes, often in cooperation with southern partners; believes that the objectives pursued by budget line B7-6002 (decentralised cooperation) for the direct involvement of southern civil society in EU programmes are equally important and calls for a significant increase in the level of its funding, subject to the outcome of future budget discussions and without prejudice to EU NGOs, as this is essential in achieving the aforementioned objective of enhancing partner countries' ownership of development strategies;
26. Following the entry into force of the Cotonou Agreement in April 2003, expects the investment facility to be launched in the near future; looks forward to seeing the results of EBAS and Diagnos reviews as part of the implementation of EU private sector development strategy in ACP countries;
27. Welcomes and fully endorses the Commission's Programming Guidelines Notes No 6, of 9 March 2001, in particular regarding the figure of up to 15 % of EDF funds to be allocated to local NSAs; calls for the Commission to incorporate this target up to of 15 % for NSAs in all geographical budget lines in the preliminary draft budget for future years;

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<sup>1</sup> Reply to Question 9 & 10 (PE 326.730).

28. Takes note that, as regards the funds reserved under the EDF for NSAs, in 39 countries out of 63 an amount has been agreed with the national authorising officer for a total amount of around EUR 170.18 million<sup>1</sup>; calls for an amount to be discussed and agreed with the national authorising officer for the remaining 24 countries;
29. Emphasises that setting a financial target for NSA participation in the implementation of development programmes should not preclude the qualitative participation of NSAs in other stages of development policy;
30. Welcomes the inclusion in the Guidelines of appropriate monitoring mechanisms to check the quality of the NSA participation process, as well as the added value for policy formulation and implementation; endorses the inclusion of these assessments in the annual reports of EC delegations and in the annual report on EC development policy and the implementation of external assistance, where a special chapter on NSA participation in development policy should be included;
31. Welcomes and strongly supports the intention of the Commission to appoint one staff member in each EC delegation as responsible for ensuring the implementation and monitoring of the participation of local NSAs in development policies and programmes<sup>2</sup>; regrets the fact that the Commission has not yet planned training for EC delegation staff in this respect<sup>3</sup>; considers that immediate steps have to be taken, in particular as regards participatory methodology and day-to-day implementation of Commission financial regulations, for further dissemination amongst local NSAs;

#### ***D. Capacity building***

32. Calls for a systematic mainstreaming of capacity-building activities for southern NGOs in all EC budget lines and all programmes related to development; believes that special attention should be paid to small and grass roots organisations which have the capacity to reach and represent vulnerable and isolated groups of the population, and to ensure participation in cross-cutting issues in fields such as gender, the environment and human rights;
33. Calls for the Commission to consider the creation of a capacity-building facility for southern NSAs, managed by each EC delegation, which would be especially relevant in countries unwilling to support or cooperate with local NSAs;
34. Calls, in this connection, on the Commission to leave projects successfully carried out via NSAs under NSA management, with a view to ensuring the continuity of this approach, in order, in addition, to avoid the risk that authorised EU funds will seep away within government structures;
35. Welcomes the Commission's readiness to support activities proposed by the ACP Civil Society Forum<sup>4</sup>; calls on the Commission to take active steps to improve its development

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<sup>1</sup> Reply to Question 2 (PE 326.730).

<sup>2</sup> Reply to Question 14 (PE 326.730).

<sup>3</sup> Reply to Question 13 (PE 326.730).

<sup>4</sup> Reply to Question 5 (PE 326.730).

and effectiveness, in particular as regards its transformation into a permanent global platform<sup>1</sup>;

36. Emphasises that there is a greater obligation on the Commission to undertake proactive consultation with southern NSAs, and to continually seek to simplify and open up its procedures at local level as well as at European level;
37. Calls on the Commission to continue providing an adequate and sustained level of core funding to support EU-level development NGO bodies, recognising the added value this provides to EU policy formulation and the legitimate expectation of voluntary donors to such organisations that their contribution be used in development activities rather than dialogue with public authorities;

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38. Instructs its President to forward this resolution to the Council and the Commission.

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<sup>1</sup> Declaration of ACP Civil Society Forum (2-5 July 2001, Brussels).

## **P5\_TA-PROV(2003)0381**

### **'Television without frontiers'**

#### **European Parliament resolution on Television without Frontiers**

*The European Parliament,*

- having regard to the fourth report from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the application of Directive 89/552/EEC entitled 'Television Without Frontiers' (COM (2002) 778 - C5-0069/2003),
- having regard to Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997, amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities<sup>1</sup>,
- having regard to its resolution of 6 September 2000 on the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions entitled 'Principles and guidelines for the Community's audiovisual policy in the digital age'<sup>2</sup>,
- having regard to its resolution of 4 October 2001 on the third report of the Commission to the Council, the European Parliament and the Economic and Social Committee on the application of Directive 89/552/EEC 'Television without Frontiers'<sup>3</sup>,
- having regard to its resolution of 11 April 2002 on the evaluation report from the Commission to the Council and the European Parliament on the application of Council Recommendation of 24 September 1998 concerning the protection of minors and human dignity<sup>4</sup>,
- having regard to its resolution of 26 September 2002 on a European Union Action Plan for the successful introduction of digital television in Europe<sup>5</sup>,
- having regard to its resolution of 20 November 2002 on media concentration<sup>6</sup>,
- having regard to Rules 47(2) and 163 of its Rules of Procedure,

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<sup>1</sup> OJ L 202, 30.7.1997, p. 60.

<sup>2</sup> OJ C 135, 7.5.2001, p. 181.

<sup>3</sup> OJ C 87 E, 11.4.2002, p. 221.

<sup>4</sup> OJ C 127 E, 29.5.2003, p. 667.

<sup>5</sup> P5\_TA(2002)0454.

<sup>6</sup> P5\_TA(2002)0554.

- having regard to the report of the Committee on Culture , Youth, Education, the Media and Sport and the opinion of the Committee on Legal Affairs and the Internal Market (A5-0251/2003),
- A. whereas, in the Commission's judgment, the 'Television without Frontiers' Directive is generally being applied satisfactorily, the free movement of television broadcasting services within the Community having essentially been ensured,
- B. whereas application of the 'Television without Frontiers' Directive is the responsibility of the relevant national authorities, and whereas the dialogue between Community bodies and national institutions provided for in the Directive has been fruitful,
- C. whereas, with regard to the application of the rules on advertising, it is to be welcomed that the proceedings initiated against certain Member States led them to take appropriate measures; whereas, however, new appeals have been submitted, often by consumers' associations, and whereas the increased level of consumer interest, together with new advertising techniques, make it necessary to coordinate the rules set out in the Directive, with all commercial practices falling within the sphere of consumer protection policy,
- D. whereas the audiovisual sector is of fundamental importance for democracy, diversity of opinion, pluralism and cultural diversity and contributes to technological innovation, economic growth, the creation of jobs and the functioning of the single market,
- E. whereas in its abovementioned resolution of 20 November 2002 it called expressly on the Commission to submit a proposal to the European Convention laying down a legal basis to safeguard the principle of media pluralism and freedom, and to draw up a directive,
- F. whereas the 'Television without Frontiers' Directive performs an important function as a Directive setting minimum standards,
- G. whereas the current Directive was adopted before the advent of the Internet and the possibility of content being disseminated by different technological platforms, and whereas the development of digital broadcasting will, however, see the emergence of a plethora of new services on offer, such as interactive and retrieval services, account of which must be taken in legislation,
- H. whereas public service broadcasting constitutes an essential factor for democratic opinion-forming and the dissemination of the cultural diversity of Europe, and whereas, therefore, market access on an equal footing must be guaranteed,
- I. whereas there is substantial and growing interaction between television broadcasting and new information society services, and whereas, therefore, a flexible approach to regulation is necessary,
- J. whereas the current technological developments are accompanied by threats to media pluralism and the free flow of information, for example in the form of what are known as 'gatekeeper' positions and of the possibility of encryption,
- K. whereas the successful implementation of the provisions set out in Article 3a of the Directive help prevent broadcasters under the jurisdiction of other Member States from

committing infringements on the basis of national provisions; in addition, they prevent the exercise of exclusive rights in such a way that a substantial proportion of the public in another Member State is deprived of the possibility of following a designated event, and whereas, therefore, a more detailed picture should be given both of the content of the events included in the list and of the number of viewers who can follow these events,

- L. whereas there is evidence of growing concentration of ownership and control in television broadcasting, both in the current and in the future Member States,

### ***General remarks***

1. Welcomes the transposition of the amended Directive into national law in all of the current Member States and the alignment of national law in the accession countries with Community law in the audiovisual field;
2. Notes the Commission's conclusion that the Directive has provided a flexible, but adequate, framework for regulation by the Member States and self-regulation by the audiovisual industry; notes, further, that the Directive has, to date, been of major importance as a Directive setting minimum standards;
3. Recalls that, in spite of the above, infringement proceedings have been initiated against some Member States for poor application of the rules on advertising;
4. Notes the role that the audiovisual sector will play in the attainment of the objective set out at the Lisbon European Council of making Europe the most dynamic, knowledge-based economic area in the world; notes, further, the importance of the audiovisual sector in supporting democracy, freedom of expression, pluralism and cultural diversity;
5. Notes that the Directive is complemented by the Community's Media Plus programme; welcomes the Commission's recent decision to propose an extension of the latter to the end of 2006;
6. Welcomes the Commission's commitment to consult as widely as possible about the future of the audiovisual sector in Europe and about the need to revise the 'Television without Frontiers' Directive to take account of recent technological changes and shifts in the structure of the market for audiovisual products, while encouraging European production and the growth of the European broadcasting industry;

### ***The scope of the Directive***

7. Notes that an element of legal uncertainty has now arisen as a consequence of the difficulty in interpreting how the Directive should be applied to split-screen, interactive services and advertising or sponsorship linked to the use of virtual imaging technology; notes, further, that any interpretation of advertising rules must help to preserve the integrity of broadcast works, in which connection the principle of the clear separation of advertising and programmes must be observed;
8. Welcomes the Commission's intention to provide, by the end of 2003, interpretations of how the current Directive might be applied to such forms of advertising; expects, however, that the European Parliament will be appropriately involved in the issue;

9. Reiterates, nevertheless, its belief that a thorough revision of the Directive is necessary to take account of technological developments and changes in the structure of the audiovisual market; believes, however, that the nature of the Directive as one setting minimum rules should be maintained;
10. Believes that the definition of audiovisual content must be expanded to take account of media convergence at the technical level; believes, further, that the principles underlying the Directive, and, indeed, those underlying the Community's audiovisual policy, should be set down in a Content Framework Package of graduated levels of regulation, which would provide an overarching framework for the audiovisual sector;
11. Believes that such a Content Framework Package should consolidate Community law, bringing together revised versions of the 'Television without Frontiers' Directive, the e-Commerce Directive and the Directive concerning copyright related to satellite broadcasting and cable retransmission;
12. Calls on the Commission to publish, as a set, the initiatives for Community policies which it considers to be connected to this sector, such as the Commission's strategy for the audiovisual sector, the commercial communications policy, consumer protection policy and the internal market strategy for the services sector;

#### ***Principles underlying the Directive***

13. Urges that a revision of the Directive or a Content Framework Package be based on the principles which underlie the current Directive (free movement of European television programmes, free access to events of major importance, the promotion of European and recently-produced independent works, protection of minors and public order, protection of consumers through clear identification and transparency in advertising, and the right of reply);
14. Believes that a commitment to protect cultural diversity in the media and to maintain freedom of expression, diversity of opinion and pluralism, creativity and the right to free access to information must be added to these fundamental principles;
15. Underlines that the manner and degree of regulation of content must be appropriate to the particular medium involved and should be carried out in accordance with the principle of graduated levels of regulation as closely as possible to the activities being regulated;
16. Considers that the practice which has evolved in the practical implementation of the Directive's provisions on protection of minors is a good example of the right balance between framework regulation at Community level, national regulation by the responsible authorities in the Member States, and co- and self-regulation by the industry, although minimum standards governing self-regulation must be laid down; considers, further, that, as a Directive setting minimum standards, it has played a major role; believes that, in the future, it is important that there should be scope for divergent national legislation;
17. Underlines that, as far as advertising and consumer protection is concerned, the regulatory framework must continue to seek to safeguard general interest objectives; considers, however, that regulation of applications of the new technologies requires a more flexible

and less prescriptive approach towards advertising than that adopted hitherto; believes that such an approach should emphasise and build on the interest which broadcasters themselves have in maintaining high-quality programming, while taking into account the need to respect the integrity of the audiovisual and cinematographical works broadcast and bearing in mind the criteria established for the protection of minors in TV advertising;

18. Welcomes the Commission's intention to investigate whether certain quantitative restrictions on advertising, taking user choice and control options into account, could be more flexibly structured; points out that, as further developments are made in competition law in the context of the 'Television without Frontiers' Directive in the interests of uniform protection for consumers, children and young persons in Europe, existing qualitative advertising rules and regulations should be retained in the context of that Directive;
19. Urges the Commission to support the establishment of a working group of national regulators, including representatives of private and public broadcasting systems, for the exchange of best practice in all forms of regulation including self- and co-regulation in the area of advertising and consumer protection;
20. Calls on the Commission to publish a full picture of the self-regulatory measures taken to date, stating in which sectors these mainly apply, the success of these measures and their consistency with public interest objectives, as well as how far the interests of small bodies or new competitors have been taken into account; finally, with regard to consultations, believes that conditions should be laid down to guarantee the representativeness of the participating bodies and the effective expression of all divergent interests;

#### *Cultural diversity and European awareness*

21. Notes that quotas for the broadcast of European works and for recent works by independent producers have been broadly met;
22. Considers that a more detailed picture should be given of the extent to which the measures taken comply with Community law, of the method for defining a 'significant part of the public' with regard to free access to certain events of major importance, and of the degree of convergence between Member States in defining such events;
23. Points to the outstanding issues arising from the discrepancies between fundamental legal concepts which are used as key concepts in the application of the Directive, such as the concepts of a 'European work' and an 'independent producer', and problems caused by the complicated relations between television producers and channels;
24. Notes that there have been some cases of inappropriate application of Articles 4 and 5 of the Directive; calls on the Commission, therefore, to establish a clearer definition of the terms 'European work' and 'independent producer' so as to ensure proper application of such articles;
25. Considers that, if specialist TV services are unable to meet the quota provisions set out in Articles 4 and 5 of the Directive, the qualification that these quotas be adhered to 'where practicable' should be maintained;



26. Calls on the Commission to establish a clear definition of specialist channels and to establish clearly categories of specialist broadcasting where 'impracticability' would merit a reduction or elimination of requirements for compliance with Articles 4 and 5 of the Directive;
27. Believes that television helps to shape the way in which children see the world; invites the Commission to encourage broadcasters to draw as fully as possible on high-quality and non-violent European works in their programmes aimed at children; supports the concept of a Pan-European Children's Network involving broadcasters from Member States and the applicant countries with the aim of broadcasting high-quality European works Europe-wide;
28. Invites the Commission to take steps to encourage broadcasters to make channels which have a pan-European dimension (such as ARTE and EURONEWS) as widely available and in as many languages as possible and to encourage Europe-wide broadcasts of major European cultural events (such as the Austrian New Year Concert); calls on the Commission to conclude the feasibility study on a European cable channel ('C-SPAN'/ Channel Europe/ Network) to provide the general public with relevant news and information on European Union affairs;
29. Believes that broadcasting organisations should be encouraged to develop European films and audio-visual works.
30. Urges the Commission, in conjunction with all stakeholders, to ensure that the spirit of the measures for listed events of major importance for society is upheld by all parties;
31. Invites the Commission to consider whether greater legal certainty would also be achieved by the introduction of a brief European minimum list of events of major importance for society (i.e. the Olympic Games, the World Cup and the European Nations Championship), which may be complemented by national lists;

### *Access*

32. Urges the Commission to continue to promote interoperability so that full viewer access to digital television is made available as widely as possible;
33. Notes that the granting of exclusive rights, and the absence of a harmonised right to access newsworthy events, could restrict the free movement of information and inhibit the reporting of popular events by a majority of the media; calls on the Commission, therefore, to consider whether measures should be introduced at Community level to guarantee news access for the media to short extracts of events of general interest so as to guarantee the general public's right to information;
34. Notes that levels of sub-titling and sign language interpretation and presentation of programmes in sign language for those with hearing difficulties, and of audiovisual description for the visually impaired, vary quite widely from Member State to Member State; recalls the Commission's commitment to the European Parliament in June 2002 to raise this issue in the present report; notes that the Commission has not done so; calls once again on the Commission to address the problem of improving access to the

broadcast media for those suffering from sensory impairment; calls on the Commission, in its work programme, to include an annual benchmarking report on the progress in all Member States on making digital TV accessible for people with disabilities; believes that this report should be based on National Action Plans on 'Improving disabled people's access to digital TV' submitted to the Commission by each of the Member States;

35. Notes that the rights trading market operates largely within national boundaries or linguistic areas so as to respect media chronology (release and broadcasting) and exploit cinematographical and audiovisual works in an appropriate manner; notes, further, however, that this frequently makes it impossible to lawfully access protected satellite TV channels originating from another Member State; welcomes the Commission's commitment to address this problem in its review of the Directive concerning copyright related to satellite broadcasting and cable retransmission;

### *Media concentration*

36. Reiterates its conviction that pluralism in broadcasting is an important safeguard of democracy, pluralism and cultural diversity in society; strong and independent public-service radio and television, together with private service broadcasting, play a major role in this context;
37. Calls on the Commission to enshrine in its revised 'Television without Frontiers' Directive the principle that it is essential for an appropriate balance to be struck between, on the one hand, commercial interests and, on the other, the public interest of free access and cross-border flow of information;
38. Expresses its concern that growing concentration of ownership or control of broadcasting and other media, whether 'horizontal' or 'vertical', may subvert pluralism and democracy;
39. Believes that a commitment to diversity of ownership and/or control of broadcasting, and of broadcasting and other media, should be incorporated in any future Directive, without prejudice to the other initiatives to be undertaken by the Commission as requested by the European Parliament in its aforementioned resolution of 20 November 2002; hopes that the amendment of Directive 89/552/EEC or the new Directives on audiovisual content will include rules on ownership of televisual media that will ensure pluralism in the field of information and culture;
40. Believes that clear limits must be placed on the ownership and control of management of audiovisual communications media;
41. Calls on the Commission to monitor levels of media concentration in Europe and to draw up an updated Green Paper on this issue by the beginning of 2004 in order to lay the foundations, within the life of the current Parliament, for a directive along the lines called for by Parliament in its abovementioned resolution of 20 November 2002;

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42. Instructs its President to forward this resolution to the Commission, the Council, the Council of Europe, and the governments of the Member States.

## **P5\_TA-PROV(2003)0382**

### **Cultural industries**

#### **European Parliament resolution on Cultural Industries (2002/2127(INI))**

*The European Parliament,*

- having regard to the motion for resolution by Myrsini Zorba on Culture and Economy (B5-0417/2001),
- having regard to Council resolution of 20 January 1997 on the integration of cultural aspects into Community action<sup>1</sup>,
- having regard to Council resolution of 21 January 2002 on the role of culture in the development of the EU<sup>2</sup>,
- having regard to Council resolution of 25 June 2002 on a new work plan on European cooperation in the field of culture<sup>3</sup>,
- having regard to the Commission communication to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, of 11 December 2002 on industrial policy in an enlarged Europe (COM(2002) 714),
- having regard to Council resolution of 19 December 2002 implementing the work plan on European cooperation in the field of culture: European added value and mobility of persons and circulation of works in the cultural sector<sup>4</sup>,
- having regard to Council resolution of 26 May 2003 on the horizontal aspects of culture: increasing synergies with other sectors and Community actions and exchanging good practices in relation to the social and economic dimensions of culture<sup>5</sup>,
- having regard to the comprehensive Commission staff working paper on ‘Culture, the Cultural Industries and Employment’ (SEC(1999) 837) as well as the Final Report on “Exploitation and development of the job potential in the cultural sector in the age of digitalisation”<sup>6</sup>
- having regard to its resolution of 4 May 2000 on the Commission Green Paper on combating counterfeiting and piracy in the single market<sup>7</sup>,

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<sup>1</sup> OJ C 36, 5.2.1997, p. 4.

<sup>2</sup> OJ C 32, 5.2.2002, p. 2.

<sup>3</sup> OJ C 162, 6.7.2002, p. 5.

<sup>4</sup> OJ C 13, 18.1.2003, p. 5.

<sup>5</sup> OJ C 136, 11.6.2003, p. 1.

<sup>6</sup> Commissioned by DG Employment and Social Affairs of the Commission; presented by MKW Wirtschaftsforschung GmbH, Munich, June 2001.

<sup>7</sup> OJ C 41, 7.2.2001, p. 56.

- having regard to its resolution of 12 March 2003 on the General Agreement on Trade in Services (GATS) within the WTO, including cultural diversity<sup>1</sup>,
  - having regard to the proposal for a directive on the enforcement of intellectual property rights, currently subjected to the co-decision procedure,
  - having regard to Rule 163 of its Rules of Procedure,
  - having regard to the report of the Committee on Culture, Youth, Education, the Media and Sport and the opinion of the Committee on Industry, External Trade, Research and Energy (A5-0276/2003),
- A. whereas culture, in particular in view of EU enlargement, constitutes an essential and unifying element in the every-day life of the citizens of Europe,
- B. whereas the right to culture of all citizens and the safeguarding of democratic access to cultural goods should keep pace with the promotion of cultural values and with cultural and linguistic diversity in the current and future Member States,
- C. whereas Europe’s cultural industries reflect its national diversity and thus represent an added value to European identity,
- D. whereas citizen’s participation in the European civil area is the primary objective of the European Parliament whereby culture plays a central role,
- E. whereas in an enlarged Europe, culture is an essential element of European integration and constitutes an indispensable component of historical, economic and social development, contributing to the mutual understanding of people, social inclusion, citizenship and mutual enrichment in cultural terms and can thereby help to overcome racism and xenophobia,
- F. whereas the cultural industry could not develop without the leading role of creators, artists, associations and professionals in all sectors of cultural industry with high qualifications and skills,
- G. whereas the various cultural industries include a very wide range and a multitude of cultural forms of expression, ranging, for example, from preservation of the cultural heritage, protection of historic monuments, restoration, arts and crafts to the performing arts and visual arts, as well as museums, libraries, theatres, cultural institutions of all kinds, a richly varied music scene, including soloists, pop singers, philharmonic orchestras, big band and opera, as well as literature and publishing, the recording and audio-visual industry and cinema,
- H. whereas works of artistic creation play a key role in expressing European identities; whereas these works have unique properties, linked to their dual cultural and economic aspects, with the result that the development of the cultural industry sector requires support from public authorities,

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<sup>1</sup> P5\_TA(2003)0087.

- I. whereas a global industrial EU strategy and ensuing policy encompassing the cultural industries, including, inter alia, the book industry and music sectors, fail to exist,
- J. whereas European cultural production and European creators constitute a significant capital for Europe that has to become known to all European citizens with no exceptions and to be promoted outside the European borders,
- K. whereas the production and use of cultural products and services rely both on state funding and private investment,
- L. whereas SMEs in the field of culture offer unique products which provide many non-commercial benefits to society as a whole,
- M. whereas culture is produced and distributed by a cultural industrial structure in which many large national and multinational companies are active, and where the role of small and independent enterprises and associations must be supported,
- N. whereas it recognises the relationship between culture and the production of cultural products and services, as well as the economic development, employment and training at the national, regional and local level,
- O. whereas cultural diversity and cooperation on the part of the cultural industries in Europe should be strengthened, in order to ensure the vitality and viability of these industries in the Member States, in the EU and in an ever increasing competitive international environment,
- P. whereas it recognises the importance of television and other mass media services for the democratic opinion-forming process, with a view to ensuring and enhancing diversity of opinion and pluralism,
- Q. whereas, in a number of cultural industries, a very high degree of concentration occurs, which poses a threat to the transparency of the market,
- R. whereas national policies should not be aimed at protecting national markets or ensuring a dominant role for cultural products in their domestic markets,
- S. whereas cultural industries based in rural and peripheral regions of the EU face additional difficulties in promoting and diffusing their products,
- T. whereas, in a world where new technologies and multi-media have become integral to cultural activity, industries in these rural and peripheral regions are further handicapped by the lack of access to broadband internet which risks widening the gap between them and urban-based industries,
- U. whereas Directive 89/552/EEC entitled “Television without Frontiers” together with the Media Plus Programme and the i2i-Initiative, must aim to continue to boost European audio-visual production and to improve the circulation of European works within the EU market; whereas the proposal to extend the MEDIA Plus programme to 2006 is therefore

welcomed, the programme being regarded as an important instrument for supporting and improving the competitiveness of the audio-visual programme industry,

- V. whereas new technologies and new forms of practice in the cultural field, as a product of the information society (for example, multimedia and online services), have also led to new forms of consumption of cultural products and services, and whereas the continuing digitalisation of television is increasingly transforming media services, as a result of which relevant legislation needs to be appropriately adapted, with a graduated approach to the degree of regulation,
- W. whereas piracy and counterfeiting in various cultural and creative industries deprives these industries of vast revenues, impacting on future investment in local cultural products, and thereby undermining cultural diversity,
- X. whereas respect for intellectual property and labelling of works are preconditions for the development of creativity and of the European cultural industries,
- Y. whereas, in spite of the Commission's assurance that the current legislative framework was sufficient to ensure that the Community's art market continued to flourish', the European art market places have lost significant worldwide market share and sales value,
- Z. whereas a majority of cultural operators questioned hold the view that, with due regard for the subsidiarity principle, enhanced EU involvement, albeit by stronger financial support, legal measures or additional resources, is likely to benefit the cultural industrial structures; whereas these operators also pinpoint a lack of investment, market fragmentation, a threat to commercial viability, and problems in connection with distribution and promotion as major problem areas; whereas care should be taken to ensure that these measures do not jeopardise the competitiveness of European cultural and creative industries in a context of globalisation,
- AA. whereas artists, the creative forces in the cultural arena, ought to be supported in their work, from creation to promotion to the general public,
- AB. whereas cultural aspects are a fundamental element of the tourist industry which, in turn, is one of Europe's main industries in economic terms,
- AC. whereas culture and tourism are often closely linked in the context of regional economic development in the European Union and, accordingly, greater attention needs to be paid to the fact that both sectors benefit as a result,
- AD. whereas the aforementioned Commission communication on "Industrial Policy in an Enlarged Europe", together with the Structural Funds and the Sixth Framework Programme for Research, are likely to support cultural industry,
- AE. whereas the Commission is engaged in permanent consultation with public, non-governmental and private operators in the different cultural industry fields in search of grass-roots solutions to challenges and problems linked to ongoing globalisation,

- AF. whereas the Council in its resolution of 11 September 2002<sup>1</sup> on interactive media content in Europe, recalls its abovementioned resolution of 25 June 2002 pinpointing encouragement to the development of cultural and creative industries in the community as a priority topic,
- AG. whereas, in the light of the development of a knowledge-based society and of cultural and creative industries, the Council, in point 8 of its above-mentioned resolution of 11 September 2002, stressed the importance of ensuring quality in the content of the new media, combining artistic freedom, creativity, innovation as well as cultural and linguistic diversity; whereas public service broadcasters play an important role in this context,
- AH. whereas cultural industries are of great significance for the dynamic maintenance of cultural diversity in Europe,
- AI. whereas the Council, in its aforementioned resolution of 19 December 2002, stressed “that cultural industries in recent years have experienced a major growth with increasing relevance to European economy and employment”,
- AJ. whereas the above-mentioned Council resolution of 26 May 2003 on horizontal aspects of culture, whilst recognising the work already initiated in the Member States and by the Commission, stressed that an extra effort needs to be made to include culture in other sectors, with the aim of placing culture at the heart of European integration,
- AK. whereas the informal Council of Ministers of Culture of 24-25 May 2003<sup>2</sup> recognised that the EU, as a common market and cultural area, has not as yet developed its capabilities concerning the trading and exchange of cultural information and goods, and stressed that additional steps are needed to make the cultural wealth of their own continent accessible to European citizens,
- AL. whereas the exchange and circulation of cultural goods can be seriously hampered not only by the great variety of tax systems but also by existent or non-existent insurance requisites,
- AM. whereas a coherent cultural industry strategy should be developed to meet the objectives set out in the Lisbon European Council strategy in March 2000 to make the EU the world’s most dynamic and competitive economy,
- AN. whereas Council’s wish for the Commission to compile a report on the function of the single market in the Cultural, Audiovisual and Sports Sectors, to be submitted at the end of the Italian Presidency, has been expressed in the light of the WTO negotiations,
1. Stresses the relationship between culture and the production of cultural products and services, as well as the economic development, employment and training at the national, regional and local level;
  2. Urges the Commission to bring up to date its communications on working papers currently in progress which should take account of the implications stemming from the

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<sup>1</sup> Council doc. 13747/02 (Presse 340), para. 6 of 11-12 November 2002.

<sup>2</sup> Summary of discussions, 26.5.2003.

enlargement of the EU and the greater involvement of the partnership aspects associated with the public-private initiatives, and calls upon the Commission to submit to the European Parliament and the Council a Communication seeking to define cultural and creative industries, including the sectors, and the conditions that associations and regional organisations with a cultural and economic dimension have to fulfil;

3. Calls on the Commission to carry out an in-depth study on a European map of cultural industries to be submitted to the European Parliament and the Council, which will concentrate on cultural, economic, legal, technological and educational aspects, also paying attention to the implications linked to the enlargement of the EU; believes that the map should contain data on employment, intellectual property rights, index of competitiveness, new products and exports; also believes that the map should be submitted to the appropriate professional bodies and associations for a permanent consultation;
4. Urges the Commission, by way of an update of its aforementioned 1998 working paper, to come forward with a Green Paper on European culture with the aim of supporting and disseminating cultural wealth and respecting regional particularities and the special cultural characteristics of different people, taking account of the following:
  - (a) to promote the coordination of policies of Member States and regions in the field of cultural industries, with due regard for the principle of subsidiarity,
  - (b) to examine existing restrictions and barriers and to identify solutions,
  - (c) to enhance cultural and linguistic diversity and variety, as well as to promote public-private partnerships,
  - (d) to organise a forum on the role and activities of the cultural industry in the framework of the promotion of cultural diversity and a creative economy capable of contributing to economic and social regeneration,
  - (e) to promote the competitiveness of European cultural and creative industries,
  - (f) to improve access to culture for all European citizens, making available the relevant information on creators, cultural products and services, and services offered by cultural institutions,
  - (g) to study the impact of economic indicators on culture,
  - (h) to study the impact of an active cultural policy on the economy (skills, progress, labour market sector, etc);
5. Urges the Commission and the Member States to reinforce the support of cultural industries in the projects of economic development of regions and cities, based on Structural Funds;
6. Invites the Commission to submit by the end of 2003, a communication on the cultural dimension of the EU Structural Funds for the period 1994-1999;



7. Requests the Commission to define a coherent and pro-active strategy seeking to develop innovative, flexible and appropriate instruments to promote the competitiveness of European cultural and creative industries, which would be based on the principles of comparative national advantage, the maintenance of regional or local custom and of cultural diversity;
8. Calls on the Member States and the Commission, in consultation with professionals in the sector, to identify priority actions for the promotion of cultural industries;
9. Calls for a revision of the “de minimis” rules on state aids to take account of the unique situation pertaining to SMEs in the cultural sector, in particular those based in peripheral areas;
10. Calls on the Commission to examine the effects of increasing concentrations in the telecommunications, cultural industry and media sectors, and to ensure that these do not lead to the disappearance of independent bodies and do not alter the diversity of creativity by producing an increasing uniformity in production and distribution;
11. Urges the Commission to promote mobility and free movement of persons and circulation of works in the cultural sector, as foreseen in the above-mentioned Council resolution of 19 December 2002 and set out in the Commission’s study on the mobility and free movement of people and products in the cultural sector;
12. Urges the Commission and the Member States to develop appropriate instruments for the mutual enhancement of culture and tourism, particularly in the area of integration, mutual understanding and employment;
13. Points out that so far no research has been carried out into the variety of measures in the Member States and the accession countries on indemnity and insurance policies; calls on the Commission to draw up such a report and calls on the Member States and accession countries to take measures which create a level playing field for the circulation and exchange of cultural goods;
14. Urges the Commission to bring Eurostat cultural industries statistics in line with international standards, and to search for additional and systematic information on the use or consumption of cultural products, by enhancing the responsibilities of the European Audiovisual Observatory and other specialised bodies;
15. Urges the Commission and the Member States to take account of the cultural industries’ specificities when assessing the compliance of national or European supportive measures with the rules of the EU internal market, in so far as this is in accordance with the subsidiarity principle, as well as to provide adequate financing of SMEs in the cultural field, particularly in the start-up phase;
16. Calls on the Commission and the Member States to remove the VAT discrimination amongst cultural products by placing music in Annex H of the VAT directive;
17. Calls on the Commission, the Member States and the regions, within their respective competencies and responsibilities:

- (a) to enhance the level of coordination of cultural policy and initiatives at national and EU level;
- (b) to examine best practices throughout the EU with a view to promoting cultural diversity,
- (c) to stimulate the circulation and promotion of products and services and develop a dynamic scheme for international promotion and export of European products,
- (d) to increase research capability in the various areas of culture,
- (e) to establish a stronger connection between culture, education and training,
- (f) to encourage creativity by independent artists, by establishing promotional activities, e.g. awards, cross-border festivals, exhibitions, cultural routes and itineraries,
- (g) to expand and improve information on existing cultural opportunities and job opportunities throughout the European Union,
- (h) to support UNESCO-declared World Book Day for the promotion of reading, publishing and the protection of copyright, with a view to tackling illiteracy, by actively organising and supporting local, small-scale initiatives enabling individual readers to be reached,
- (i) to amend the ‘Television without Frontiers’ directive in accordance with existing European Parliament resolutions, and in particular its resolution of 4 September 2003 on Television without Frontiers<sup>1</sup>, taking particular account of the interests and needs of European cultural industry so as to promote it as effectively as possible,
- (j) to study, as part of the revision of the ‘Television without Frontiers’ Directive, the advisability of putting in place mechanisms to improve the circulation of non-national European works,
- (k) to promote the showing and broadcasting of movies in their original language version, in order to familiarise the spectator with the reality and the desirability of a multilingual environment and with the improved credibility of the product, to improve the knowledge of languages and to change cultural diversity into an added value instead of a handicap; if translation is required, to prefer subtitling in one or more languages as opposed to dubbing,
- (l) to develop a European legal framework with a view to creating an all- embracing “statute of the artist” intended to afford appropriate social protection, which would include legislation regarding authors’ intellectual property rights,
- (m) to promote effective systems designed to protect intellectual property and to develop the labelling of works, with a view to facilitating cultural production, particularly in the multimedia sphere, and commercial transactions,

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<sup>1</sup> P5\_TA-PROV(2003)0381.

- (n) to draw up a tourism plan for the most popular cities, monuments, countryside and other locations, reconciling financial profit with conservation and respect for cultural heritage, and averting the damage caused by excessive numbers,
  - (o) to submit, in line with the provisions of Part III, Title V, Article III-193 V of the draft constitutional treaty<sup>1</sup>, a feasibility report on accession of the European Union to specialised UN organisations, in particular UNESCO, so as to reinforce the presence and action of its Member States in such organisations,
  - (p) to consider joining the Global Alliance for Cultural Diversity, launched by UNESCO in 2002, with the aim of uniting partners from public, private and non-governmental sectors, to work on projects that foster growth in local cultural industries,
  - (q) to support efforts to develop the proposed UNESCO Convention on Cultural Diversity,
  - (r) to consider incorporating in their development policies the promotion of cultural industries as a means of stimulating employment and local economies in developing countries;
18. Calls on the Commission to promote a horizontal approach to promoting cultural industries through mainstreaming such support into projects and programmes receiving EU funding in the fields of industrial policy, structural policies, education, training and research;
  19. Encourages Member States to examine ways in which to assist the setting-up and growth of SMEs in the cultural sector through taxation policy, language quotas and other policy instruments;
  20. Calls on the Member States to give priority to the development of broadband internet access in rural and peripheral regions in order to create a level playing field for cultural industries based in these areas;
  21. Calls on Member States to maximise the potential of their cultural policy initiatives by enhancing synergies with Community activities in the cultural sphere, at the earliest possible stage of preparation, through implementation, to assessment of actions;
  22. Calls on the European Investment Bank to open up the i2i-Initiative to more cultural and creative industries;
  23. Reiterates its call to the Intergovernmental Conference for an extension of qualified majority voting for internal union policies to facilitate support for EU measures promoting the development of the cultural sector, upholds, however, the current rule

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<sup>1</sup> Document CONV 850/03 stating ; “The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organisations, which share these values. It shall promote multilateral solutions to common problems, in particular in the framework of the United Nations”.

requiring unanimity in the area of external trade in audio-visual and cultural services and goods<sup>1</sup>;

24. Reiterates its conclusions on cultural services, as expressed in paragraphs 12 to 14 of its aforementioned resolution of 12 March 2003;
25. Instructs its President to forward this resolution to the Council, the Commission, the Member States, the Committee of the Regions, the Economic and Social Committee, the Council of Europe and UNESCO.

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<sup>1</sup> Document CONV 850/03, Part III, Title V, Chapter III, Article III-217, paragraph 4.

## **P5\_TA-PROV(2003)0383**

### **India: Mumbai bomb attack**

#### **European Parliament resolution on the bomb attacks in Mumbai**

*The European Parliament,*

- having regard to its resolution of 7 February 2002 on terrorist attacks in India<sup>1</sup>,
  - having regard to the statement of the third EU-India Summit (10 October 2002),
  - having regard to the statements of the EU Presidency and the EU High Representative for the Common Foreign and Security Policy,
  - having regard to UN Security Council Resolution 1373 of 28 September 2001 requiring international cooperation to combat threats to international peace and security caused by terrorist acts,
  - having regard to the statement of the UN Secretary-General,
- A. whereas the terrorist bomb attacks near the Gateway of India and in the Zaveri Bazaar in Mumbai on 25 August 2003 have killed and injured many civilians,
- B. whereas these terrorist bomb attacks were clearly designed to cause the greatest number of civilian casualties, destabilise Indian society and weaken the Indian economy,
- C. whereas the victims of these terrorist bomb attacks include members of both the Hindu and Muslim communities, who worked together in the rescue efforts,
- D. whereas India, a multilingual and multicultural democracy based on the rule of law, is determined to combat terrorism in cooperation with the international community, and, in particular, within the UN framework,
- E. whereas Pakistan has officially condemned the attacks and expressed its sympathy with the victims and their families,
1. Strongly condemns the terrorist bomb attacks in Mumbai;
  2. Deplores the deliberate targeting of civilians by terrorists and the resulting injuries and loss of innocent lives, and believes that under no circumstances can any terrorist attack be accepted by the international community; stresses the need to combat such attacks vigorously wherever they may take place;
  3. Sends its condolences to the relatives of all the victims, and expresses its solidarity with the Parliament of India;

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<sup>1</sup> OJ C 284 E, 21.11.2002, p. 349.

4. Supports the Indian Government in its fight against terrorism, and sincerely hopes that the perpetrators of and those responsible for these terrorist acts will be brought to justice after a full investigation; at the same time, calls on the Indian authorities and, in particular, the Mumbai city authorities, to take all steps to prevent clashes between religious communities;
5. Welcomes the fact that the Foreign Minister of Pakistan, Mr Khursid Kasuri, has, in the name of his government, condemned the twin bombings of 25 August 2003; calls on all neighbouring countries to ensure that their territory is not used as a base from which to launch terrorist attacks;
6. Calls for the efforts of rapprochement between India and Pakistan to continue, and hopes that those efforts will not be undermined by the terrorist bomb attacks;
7. Instructs its President to forward this resolution to the Council, the Commission, the Governments of the Member States, and the Parliament and Government of India.

## **P5\_TA-PROV(2003)0384**

### **Liberia**

#### **European Parliament resolution on the situation in Liberia**

*The European Parliament,*

- having regard to its previous resolutions on the situation in Liberia,
- having regard to UN Security Council Resolution 1497, adopted on 1 August 2003,
- A. having regard to the peace agreement signed in Accra on 18 August 2003, under the aegis of the Economic Community of West African States (ECOWAS), which provides for the establishment of a transitional government on 4 October 2003 and elections in October 2005,
- B. whereas this agreement is so far being respected in the capital, but not yet throughout the country, and whereas massacres and attempted advances by various armed groups are still taking place,
- C. horrified by the alleged massacre of hundreds, possibly thousands of civilians, perpetrated in Nimba County since the signing of the peace agreement,
- D. whereas the peace agreement, which paved the way for a broad transitional government, demands that all warring factions remain in their present location and implement an immediate ceasefire,
- E. whereas 14 years of violence and misrule in Liberia have resulted in immense human suffering, particularly among civilians, as well as gross human rights violations, massive displacement of populations and a breakdown of social and economic structures, with 85% of the population living below the poverty line,
- F. whereas the ongoing insecurity in Liberia continues to make it difficult to ensure humanitarian access to vulnerable sections of the population,
- G. whereas the conflict in Liberia has also contributed to severely destabilising the whole West Africa subregion, creating a humanitarian crisis of tragic proportions,
- H. whereas the sanitary and economic situation of the Liberian population is drastic,
- I. whereas the arrival of the ECOWAS peacekeeping force has enabled the peace process to be successfully conducted and whereas funding problems delayed the force's arrival,
- J. whereas the peace agreement signed in Accra on 18 August under the aegis of ECOWAS constitutes a fundamental step towards restoring peace, security and stability in Liberia and, indeed, the whole West Africa subregion,

- K. whereas the African Union Summit has decided to set up a 'Peace and Security Council', which will allow the African Union to intervene to put an end to conflicts,
- L. whereas the speedy and complete deployment of the Multinational Force, as a vanguard force of the UN stabilisation force to be deployed no later than 1 October 2003, in accordance with UN Security Council Resolution 1497, becomes all the more urgent to safeguard the implementation of the peace agreement, and in particular to create a secure environment that ensures respect for human rights, including the well-being and rehabilitation of children, especially child-combatants, protects the well-being of civilians and supports the mission of humanitarian workers,
- M. concerned by paragraph 7 of UN Security Council Resolution 1497, which grants 'exclusive jurisdiction' over persons who commit a crime as part of the Liberia peace keeping mission to the state that sent them; whereas this provision is contrary to the International Criminal Court Treaty,
- N. whereas the United Nations representative in Liberia has called for the economic sanctions against the country to be lifted,
1. Welcomes the comprehensive peace agreement signed in Accra on 18 August 2003 and calls upon all the parties to the agreement to implement it in good faith and to establish on 14 October 2003 a transitional government that will lead the country to free and fair elections in October 2005;
  2. Welcomes the fact that the leaders of the various armed forces have been excluded from the transitional government to avoid endorsing the use of force in seizing power;
  3. Commends ECOWAS for its untiring efforts that have led to this successful outcome, and commends Nigeria in particular, which played a key role in the peace process, for promptly making available troops to be deployed to protect the civilian population and to provide humanitarian relief;
  4. Notes with concern, however, that the Multinational Force established by UN Security Council Resolution 1497, expected to reach 3500 troops by 4 September 2003, currently numbers only 2127 men from ECOMIL (the West African peacekeeping force in Liberia), with most of them being taken up in Monrovia, and is therefore unable to establish a meaningful presence outside the capital;
  5. Calls therefore on all UN Member States to contribute personnel, equipment, and other resources to the Multinational Force, and in particular on other West African States to speed up the deployment of the troops already pledged, in order to establish and maintain security throughout the country and secure the delivery of humanitarian assistance;
  6. Welcomes in this context the EU allocation of EUR 50 million to support the peace process under way in Liberia, and in particular to allow the ongoing peacekeeping operation conducted by ECOWAS to continue until the arrival of the UN stabilisation force scheduled no later than 1 October 2003, but urges the EU and ECHO, in particular, to increase their response to the grave humanitarian situation;



7. Regrets that Security Council Resolution 1497 provides 'exclusive jurisdiction' over persons who commit a crime as part of the Liberia peacekeeping mission to the state that sent them;
8. Regrets that EU members did not take a common stand regarding this major issue at UN Security Council level;
9. Recalls that there can be no amnesty or impunity for war crimes, crimes against humanity and genocide;
10. Welcomes the setting up of a Truth and Reconciliation Commission;
11. Demands that all states in the region refrain from any action that might contribute to instability in Liberia or on the borders between Liberia, Guinea, Sierra Leone and Côte d'Ivoire;
12. Calls for the economic sanctions against Liberia to be lifted, but calls on all countries to introduce an embargo on arms for Liberia;
13. Instructs its President to forward this resolution to the ACP-EU Council and Joint Parliamentary Assembly, the Commission, the Secretaries-General of the United Nations, the African Union and ECOWAS, and the governments of Liberia, Guinea, Sierra Leone, Côte d'Ivoire and Nigeria.

## **P5\_TA-PROV(2003)0385**

### **Burma**

#### **European Parliament resolution on Burma**

*The European Parliament,*

- having regard to its previous resolutions on Burma, in particular, those of 11 April 2002<sup>1</sup>, 13 March 2003<sup>2</sup> and 5 June 2003<sup>3</sup>,
  - having regard to the Council's Common Position 96/635/CFSP of 28 October 1996 defined by the Council on the basis of Article J.2 of the Treaty on European Union, on Burma/Myanmar<sup>4</sup>, as renewed and extended by the Council's Common Position 2003/297/CFSP of 28 April 2003 on Burma/Myanmar<sup>5</sup>,
  - having regard to the External Relations Council meeting of 16 June 2003 that brought forward the implementation of the extended sanctions,
  - having regard to Council Regulation (EC) No 552/97 of 24 March 1997 temporarily withdrawing access to generalised tariff preferences from the Union of Myanmar<sup>6</sup>,
  - having regard to Council Regulation (EC) No 1081/2000 of 22 May 2000 prohibiting the sale, supply and export to Burma/Myanmar of equipment which might be used for internal repression or terrorism, and freezing the funds of certain persons related to important governmental functions in that country<sup>7</sup>,
- A. whereas 30 August 2003 marked three months of detention for Aung San Suu Kyi and other National League for Democracy (NLD) members,
- B. whereas the ruling military State Peace and Development Council (SPDC) has provided no acceptable explanation for the detention of Aung San Suu Kyi and her colleagues,
- C. whereas in July 2003 the International Committee of the Red Cross (ICRC) visited Aung San Suu Kyi in captivity and this visit is believed to have been her last contact with the outside world,
- D. whereas the United States Department of State reported on 31 August 2003 that it believed Aung San Suu Kyi was on hunger strike in protest against her illegal detention by the SPDC,

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<sup>1</sup> OJ C 127 E, 29.5.2003, p. 681.

<sup>2</sup> P5\_TA(2003)0104.

<sup>3</sup> P5\_TA(2003)0272.

<sup>4</sup> OJ L 287, 8.11.1996, p. 1.

<sup>5</sup> OJ L 106, 29.4.2003, p. 36.

<sup>6</sup> OJ L 85, 27.3.1997, p. 8.

<sup>7</sup> OJ L 122, 24.5.2000, p. 29.

- E. whereas on 30 August the new Burmese Prime Minister, General Khin Nyunt, announced a seven-point roadmap with a constitutional convention supposedly culminating in free and fair elections,
- F. whereas the SPDC has, to date, failed to respect the results of the last elections held in Burma in 1990,
- G. whereas the Association of South East Asian Nations (ASEAN) Ministerial Meeting of 16-17 June urged 'Myanmar to resume its efforts of national reconciliation and dialogue among all parties concerned leading to a peaceful transition to democracy ... and looked forward to the early lifting of restrictions placed on Aung San Suu Kyi and the NLD members',
- H. whereas this mild rebuke to the SPDC constituted a welcome change in ASEAN states' prior reluctance to exert pressure on the regime in Burma,
- I. whereas the SPDC has refused access to the ASEAN delegation which intended to meet with Aung San Suu Kyi,
- J. having regard to the efforts of the UN Special Envoy, Tan Razili Ismael, to facilitate a return to democracy in Burma,

***Demands the immediate release of Aung San Suu Kyi;***

- 2. Considers that the release of all political prisoners would be a major step towards the restoration of democracy;
- 3. Insists that the SPDC relinquish its grip on power and that the results of the last elections be fully respected;
- 4. Calls on the Council and the Commission to show their readiness, in collaboration with the UN, to help facilitate the National Reconciliation process in Burma;
- 5. Reaffirms its strong commitment to and full support for democratic, judicial and political change in Burma;
- 6. Calls on the Council to introduce further tough measures specifically targeted against the SPDC, its members and their interests;
- 7. Calls on ASEAN states to exert greater pressure on the SPDC to release Aung San Suu Kyi and other detained NLD members immediately, and to take meaningful steps to exercise their influence over the Burmese regime to bring about change for the better in Burma;
- 8. Calls on the United Nations Security Council to address the situation in Burma as a matter of urgency;

9. Instructs its President to forward this resolution to the Council, the Commission, the governments of the ASEAN Member States, Aung San Suu Kyi, the UN Secretary-General and the SPDC.

## **P5\_TA-PROV(2003)0386**

### **ACP bananas**

#### **European Parliament resolution on the Commission communication to the Council and the European Parliament on the Special Framework of Assistance for Traditional ACP Suppliers of Bananas (Council Regulation No 856/1999) - Biennial Report from the Commission (COM(2002) 763 – 2003/2091(INI))**

*The European Parliament,*

- having regard to the Commission communication (COM(2002) 763 – C5-0204/2003)<sup>1</sup>, and the undertakings given under the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000,
  - having regard to the ACP-EU Joint Parliamentary Assembly's Resolution on stagnation in the production sectors for bananas, rice and other products of 21 March 2002<sup>2</sup>,
  - having regard to Rules 47(2) and 163 of its Rules of Procedure,
  - having regard to the report of the Committee on Development and Cooperation (A5-0164/2003),
- A. whereas since the banana import regime came into force in 1993, it has been revised several times, primarily as a result of decisions taken within the WTO,
- B. whereas in recent years, the Committee on Development and Cooperation has maintained a consistent position on this issue, expressed in its 1996, 1998 and 2000 opinions on the import regime, as well as in the EP's opinion of 19 June 1998 on assistance for traditional ACP banana suppliers<sup>3</sup>,
- C. whereas, in the past, the Committee on Development and Cooperation always supported preferential access of bananas from ACP countries to EU markets, while at the same time supporting those countries' objectives of reducing their economic dependency on income from banana exports,
- D. whereas banana production should not involve the use of environmentally harmful techniques and technology - for example, the widespread use of plastic where there are no local recycling facilities available,
- E. whereas no reversal in the banana negotiation process within the WTO is foreseeable,
- F. whereas the Cotonou Agreement provides for preferential arrangements for banana imports from ACP countries,

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<sup>1</sup> OJ L 317, 15.12.2000, p. 3.

<sup>2</sup> OJ C 231, 27.9.2002, p. 48.

<sup>3</sup> OJ C 210, 6.7.1998, p. 320.

- G. whereas, in Protocol 5 to the ACP-EU Partnership Agreement, the European Community undertook "to examine and where necessary take measures aimed at ensuring the continued viability of their {ACP} banana export industries and continuing outlet for their bananas on the Community market",
- H. whereas under the future 'tariff only' regime, the ACP countries will continue to benefit from a tariff preference,
- I. whereas these countries are not always in a position to respond in good time to the administrative demands imposed by Community bureaucracy,
- J. observing that the Commission may have difficulties in managing the annual programmes presented by the 12 countries covered (in the six years, these would total 72 projects), and that there should therefore be incentives to submit multi-annual projects,
- K. concerned that in 2000 and 2001, Cap Verde and Madagascar did not take up the funds made available under the budgetary heading for bananas (B7-8710),
- L. whereas the production levels of certain banana producing countries have been affected by natural disasters,
1. Welcomes the Commission communication, and notes the thorough analysis of the problems arising in the application of the Special Framework of Assistance (SFA), and the commitment to resolving them;
  2. Is concerned, however, about the 2003 reduction in the budget allocated to the SFA for traditional ACP suppliers of bananas and reaffirms its attachment to supporting these countries in the changeover to a 'tariff only' regime;
  3. Asks the Commission to pay particular attention to reducing delays in payment by seeking means of making the appropriations for each country more rapidly available;
  4. Calls on the Commission not to fund environmentally harmful projects, and urges it to promote the use of biodegradable materials in the banana growing process;
  5. Suggests that the Commission assist those countries which are obliged to diversify production by providing them with advice on drawing up viable programmes and projects;
  6. Calls on the Commission to apply the SFA in a flexible manner in order to help beneficiary countries meet their obligations; in this connection, encourages the setting up of 'multi-year action plans', as mentioned by the Commission, and the current deconcentration process to ensure that decision-making is brought closer to those concerned through the local management of requests;
  7. Calls on the Commission to ensure that the increase in imports following enlargement corresponds to, and does not exceed, projected actual demand in the new Member States, in order to avoid a surplus on the market which would destabilise it further and adversely affect prices;

8. Calls on the Commission to explore ways of strengthening the use of the SFA to support the development of the fair-trade banana market;
9. Asks the Commission to provide special assistance to countries which are not using the appropriations to which they are entitled, and to those which have been hit by natural disasters;
10. Reiterates its belief that the customs tariff, which is due to be introduced on 1 January 2006 and the amount of which is to be negotiated within the WTO, should promote the interests of traditional ACP banana supplier countries by protecting their access to the Community market;
11. Instructs its President to forward this resolution to the Council and the Commission.

**Enhancing the effectiveness of aid**

**European Parliament resolution on the Commission communication to the Council and to the European Parliament on Untying: Enhancing the effectiveness of aid (COM(2002) 639 - 2002/2284(INI))**

*The European Parliament,*

- having regard to the Commission communication (COM(2002) 639 - C5-0626/2002),
  - having regard to the International Conference on Financing for Development, held in Monterrey on 18-22 March 2002,
  - having regard to the World Summit on Sustainable Development, held in Johannesburg on 26 August – 4 September 2002,
  - having regard to the Recommendation by the OECD Development Assistance Committee (DAC) on untying official development aid to least developed countries, OECD DCD/DAC (2001),
  - having regard to Rules 47(2) and 163 of its Rules of Procedure,
  - having regard to the report of the Committee on Development and Cooperation and the opinion of the Committee on Industry, External Trade, Research and Energy (A5-0190/2003),
- A. whereas the practice of a donor tying aid to a developing country by insisting that the money be spent only on goods and services provided by the donor's public or private enterprises has proved to render the aid granted less effective,
- B. whereas, in the absence of competition, purchases made under tied aid contracts entail excess costs in the developing countries and tend to encourage corruption,
- C. whereas aid tied to the purchase of goods, supplies or services in the donor Member State creates distortions of competition on the internal market, thus breaching EU competition law, especially as regards the principles of non-discrimination and equal treatment,
- D. whereas calls for tender in respect of supplies, goods or services in developing countries under an aid programme must be based on objective and transparent criteria for the selection and award of contracts, in line with the EU's public procurement directives,
- E. whereas the main objectives of the untying of aid are the reinforcement of capabilities and economic development; whereas, therefore, calls for tender for the purchase of supplies, goods or services in developing countries must include clauses favouring local provision,



- F. noting that the European Union has already untied a significant amount of aid, enabling goods and services to be sourced from any one of the Member States and the countries of the regional grouping concerned, be they ACP or MEDA States or those covered by the ALA Regulation,
- G. whereas there are no grounds for differentiating between the least developed countries and other developing countries,
- H. whereas food provided as humanitarian aid in emergency situations must be appropriate to local conditions and, if possible, purchased in the country or region concerned, to combine maximum alleviation of hunger with minimum negative impact on vulnerable countries' capacity, local agricultural development and regional and local markets,
- I. whereas EU aid is being progressively directed at balance of payments and budgetary support, which by definition is completely untied, and that adequate monitoring mechanisms have to be guaranteed when using these forms of aid,
- J. whereas the untying of aid can also give a boost to the local and regional private sector in developing countries,
- K. welcoming the EU's clear commitment to carry out further discussions on the untying of aid in its negotiating platform for the Monterrey Conference,
- L. whereas the EU's development goals, the most important of which is poverty reduction, will be better served by a more significant untying of aid,
- M. whereas a further untying of aid will be both more feasible and more effective to the extent that non-EU donor countries adopt the same policy and modalities but believing that the EU should be ready to continue raising the matter with the OECD's Development Assistance Committee (DAC), especially in the light of the fact that the EU and its Member States together provide more than half of world aid,
- N. whereas the debate on the untying of aid is still proceeding in the DAC and in other multilateral fora like the London Convention on Food Aid or the WTO, and whereas, according to the DAC, half of world aid remains tied and that, if all aid were untied, the increased effectiveness would be equivalent to a USD 5 billion increase,
- O. further noting that tying aid is still common practice amongst Member States, that more than one-third of Member States' aid remains tied, and that the DAC's recommendations are not applied in a uniform fashion by individual countries,
  - 1. Welcomes the Commission communication as a necessary contribution which should play a leading role in the debate on untying aid, to be pursued with the Member States and the relevant multilateral bodies so as to recognise the limits and ineffectiveness of the traditional practice of tied aid;
  - 2. Welcomes the Commission's attempts to shift the underlying logic of aid procurement towards putting the interests of the recipient countries first, and insists that aid should be wholly disconnected from the economic interests of the donor countries;

3. Calls for the complete untying of all Official Development Assistance (ODA) by the EU and its Member States within the next five years and demands that the definition of ODA within the European Union be restricted to untied aid only; supports, therefore, the Commission's approach in already extending untying to almost all Community aid arrangements;
4. Supports the line taken by the Commission on untying Community aid; calls, however, for the equal treatment of horizontal and the geographical budget lines so as to introduce open procurement:
  - (a) for all developing countries;
  - (b) for all Member States and accession countries;
  - (c) for all developed countries, subject to reciprocity by the third country and agreement by the recipient country;

demands, additionally, that these provisions be linked to a clear preference for local and regional cooperation, prioritising - in ranking order - suppliers from the recipient country, neighbouring developing countries, and other developing countries;

5. Supports the Commission's proposal regarding contracts awarded by authority of the recipient country and calls on the Member States to systematically insert a contractual clause binding the recipient country to apply award procedures based on the principles underlying the EU public procurement directives;
6. Stresses the need to take account of local operators in the programming and management of aid, and points out that untying aid must benefit the development of the national and regional capacities of the developing countries;
7. Recommends that the Commission and Member States introduce into their procurement manuals measures to support the sourcing of goods and services from developing countries (e.g. significant price preferences);
8. Recommends that, in the context of the untying of aid and with a view to encouraging the development of local markets, a debate be held on introducing a system of preferences which would give priority to the award of contracts to suppliers or service providers from, firstly, the beneficiary countries, secondly, neighbouring countries in the same regions, and, finally, other developing countries;
9. Calls on the Commission to ensure that the emphasis on public procurement is not detrimental to recipient countries when the principle of untying is applied; stresses this should not undo the underlying principles of transparency, equal treatment, proportionality and mutual recognition;
10. Welcomes the intention of the Commission to introduce two horizontal legislative proposals, one covering the instruments under the EC budget and the other within the European Development Fund;

11. Supports the Commission proposal to extend untying aid for developing countries on horizontal and geographical budget headings, and stresses the extension of untying to all developing countries, to non-ACP developing countries and to the least developed countries in particular; calls, therefore, in line with the Commission's proposal and in the interests of the greater effectiveness of aid, for all developing countries to be covered by the present communication and by future legislation on the untying of EU aid;
12. Considers that in the multilateral fora, the EU and its Member States must insist on the need to untie food aid and its transport and to incorporate a series of requirements on transparency and good practice, including that of local and regional preference for the acquisition of products, the commitment to regulate the large-scale use of farm surpluses as food aid in kind and address market distortion, the need to take account of the food habits and cultural practices of the recipient people, and the need to avoid transgenic products;
13. Calls on the Commission, in addition, to invite Member States also to untie their technical cooperation;
14. Calls on the Commission to invite the Member States to involve independent bodies in the selection of aid projects in order to prevent possible conflicts between their interests and those of the beneficiary countries;
15. Calls on the Commission to make use of co-financing and direct budgetary aid only with the safeguard of corresponding mechanisms for monitoring and controlling the aid granted through such schemes, with sectoral aid currently being strongly preferred;
16. Points out that the question of applicability of Community rules on state aid, public contracts and the single market to Member States' bilateral aid is dependent upon a ruling by the Court of Justice on the infringement proceedings that the Commission has brought against various Member States;
17. Notes that the internal market rules, and specifically the public procurement directives, apply to aid-related procurement undertaken by a Member States' contracting authority; notes that this applies when the contracting authority is situated in a third country, for example in an embassy;
18. Welcomes the recommendation in paragraph 42 of the Commission communication to apply the public procurement directive principles (i.e. equal treatment, transparency, mutual recognition and proportionality) to 'contracts awarded by authority of the recipient country where these do not act on behalf of and for the account of a contracting authority of a Member State';
19. Calls on the Commission to take out infringement proceedings on a systematic basis against Member States whose tying of aid is in breach of the EU's public procurement directives and competition law;
20. Instructs its President to forward this resolution to the Council and the Commission.