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## IMPORTANT COMING MEETINGS

### THIRD COUNTRY MEETINGS

#### ◆ EU- US Ministerial meeting

- ▶ 31 December 2004

### EUROPEAN PARLIAMENT MEETINGS

#### ◆ Plenary Session

- ▶ 10 - 27 January 2005

#### ◆ Committee on Development

- ▶ 18 January 2005
- ▶ 19 January 2005
- ▶ 20 January 2005

#### ◆ Committee on Civil Liberties, Justice and Home Affairs

- ▶ 18 January 2005
- ▶ 19 January 2005

#### ◆ Committee on Women's Rights and Gender Equality

- ▶ 24 January 2005
- ▶ 25 January 2005

#### ◆ Subcommittee on Human Rights

- ▶ 27 January 2005

(Calendar of meeting for the year 2005 available on :

[http://www.europarl.eu.int/meetdocs/2004\\_2009/documents/FD/DROI\\_Calendar\\_2005\\_/droi\\_calendar\\_2005\\_en.pdf](http://www.europarl.eu.int/meetdocs/2004_2009/documents/FD/DROI_Calendar_2005_/droi_calendar_2005_en.pdf))

#### ◆ draft agenda

- ▶ 13 January 2005

- 10.00: motions for resolutions concerning debates on cases of breaches of human rights, democracy and the rule of law  
- 15.00-16.00: debates on cases of breaches of human rights, democracy and the rule of law

### MISCELLANEOUS

#### ◆ Presentation of the Luxembourg Presidency Programme

- ▶ 21 December 2004

(By Minister for Foreign Affairs and Immigration Jean ASSELBORN and Minister Delegate for Foreign Affairs and Immigration Nicolas SCHMIT)

## **REGIONS:**

### **AFRICA**

#### **◆ Mozambique**

- ▶ **Declaration by the EU Presidency on Presidential and Parliamentary Elections in Mozambique** (21.12.04)

The EU has taken note of the preliminary results as published by the National Elections Commission (CNE) on 21 December 2004. **The EU welcomes the generally successful and peaceful conduct of Mozambique's Presidential and Parliamentary elections held on 1 and 2 December 2004**, and congratulates the people of Mozambique, civil society and the political parties on the commitment to democracy they have demonstrated. (...)

The elections were observed by several international observer missions, including the European Union Election Observation Mission (EU EOM) which, in its preliminary statement on 4 December, noted that **polling was conducted in a free and transparent manner allowing the Mozambican people to express their will.** (...)

**The EU considers that the elections have been broadly conducted along the lines of internationally established standards, as formulated in, among others, the UN Covenant for Civil and Political Rights and the SADC Principles and Guidelines Governing Democratic Elections.** Progress has been made compared to the 1999 elections, **although incidents have occurred in some provinces.** There are reports of irregularities and both leading parties have made allegations of fraud and misconduct, which should be investigated and resolved in accordance with the law. (...)

**While recognising these irregularities, the EU is of the opinion that this did not have an impact on the result of the elections, and therefore the EU calls on the opposition parties to accept the outcome of the elections.** The EU considers that the 2004 elections in Mozambique represent a further step in the consolidation of democracy in Mozambique as well as of peace and stability in the country and it expresses the hope that they will reflect positively on the democratic climate in the Southern Africa region.

[http://ue.eu.int/uedocs/cms\\_Data/docs/pressdata/en/cfsp/83240.pdf](http://ue.eu.int/uedocs/cms_Data/docs/pressdata/en/cfsp/83240.pdf) (EN)

#### **◆ Zimbabwe**

- ▶ **Declaration by the EU Presidency on the adoption of the NGO bill in Zimbabwe** (22.12.04)

The European Union took note of the adoption of the NGO Bill on 9 December 2004 by the Zimbabwean Parliament. **The European Union expresses its concern on the adoption of the NGO Bill which will, once enacted, have severe consequences for the operations, even the existence of many local and foreign NGOs active in Zimbabwe.**

**By curtailing the work of local and international NGOs, the NGO Bill will further reduce the democratic space in Zimbabwe. The EU is also of the view that this Bill is not in line with the principles, laid down in the SADC Principles and Guidelines, in particular the principles of full participation of citizens in the political process, freedom of association and voter education.**

The European Union believes that civil society should play a central role on the issue of governance, and that NGOs doing so unhindered are an essential part of a healthy democratic environment. The NGO Bill is bound to circumscribe the work of NGOs in the field of governance and could have a significant negative impact on the forthcoming elections in Zimbabwe. It also regrets the impact that the bill will have on other areas, notably social, health and humanitarian programmes. **If the Bill is implemented immediately, the EU's ability to provide assistance to Zimbabwe will be significantly affected. The European Union urges the Government of Zimbabwe to issue, in close consultation with civil society, NGO legislation that is in accordance with the SADC Principles and Guidelines governing Democratic Elections, international law, human rights treaties, and the interests of all Zimbabweans.** (...)

[http://ue.eu.int/ueDocs/cms\\_Data/docs/pressData/en/cfsp/83250.pdf](http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/cfsp/83250.pdf) (EN)

**See also the declaration by the EU Presidency on:**

[http://www.eu2004.nl/default.asp?CMS\\_ITEM=B03991409F52428FA9E84410B44E6820X1X39657X23](http://www.eu2004.nl/default.asp?CMS_ITEM=B03991409F52428FA9E84410B44E6820X1X39657X23)

### **AMERICAS**

## ◆ Cuba

- ▶ **Parliamentary question - Subject: Cuba - by José Ribeiro e Castro to the Commission (oral question H-2004-0568)** (20.12.04)

In November 2004 the European Parliament once again **expressed its views with regard to Cuba. Cuba's democrats are criticising manoeuvres designed to soften the EU's stance vis-à-vis Fidel Castro's dictatorship**; these include recent statements by the Commissioner Louis Michel. It is shocking that invitations issued to democrats in order to enable them to attend ceremonies organised by the EU and its Member States in Havana should be regarded as 'diplomatic sanctions' (subject to revision). The issue of such invitations is a procedure typical of free countries, which are not a mere extension of a dictatorship and which do not discriminate against the persecuted.

Does the Commission take the European Parliament's views into account? Does it deem acceptable an EU policy which is so subordinate to the views expressed and the pressures exerted by a communist dictatorship that it should result in EU diplomats' bowing before Castro's political police and censors in connection with invitations to their own houses?

<http://www2.europarl.eu.int/omk/OM-Europarl?PROG=QT&L=EN&PUBREF=-//EP//TEXT+QT+H-2004-0568+0+DOC+XML+V0//EN> (EN)

## EUROPE( outside of UE) and CIS

## ◆ Ukraine

- ▶ **Parliamentary questions - Subject: Ukraine - by Toomas Ilves to the Commission (oral question H-0569/04)** (20.12.04)

What steps the Commission is taking in the light of the changes that have occurred in Ukraine, and what changes, if any, is the Commission planning to make in **its policy towards Russia after the latter's crude efforts to manipulate the democratic elections held in Ukraine?**

<http://www2.europarl.eu.int/omk/OM-Europarl?PROG=QT&L=EN&PUBREF=-//EP//TEXT+QT+H-2004-0569+0+DOC+XML+V0//EN> (EN)

## ◆ Bosnia and Herzegovina

- ▶ **Anti-Torture Committee publishes report on Bosnia and Herzegovina** (21.12.04)

The Council of Europe's Committee for the Prevention of Torture (CPT) has published **its first report on Bosnia and Herzegovina, following a visit in April/May 2003.**

In its report, the CPT calls upon **the authorities to ensure that a thorough, independent and impartial investigation is carried out into allegations of large-scale ill-treatment following a riot in Zenica Prison** in February 2003. The report also draws attention to **inadequate staffing levels, which constitute a major problem throughout the prison system of Bosnia and Herzegovina, as well as to the total lack of out-of-cell activities offered to remand prisoners.**

The CPT recommends that the Zenica Prison Forensic Psychiatric Annexe be relocated, and highlights major deficiencies at Sokolac Psychiatric Hospital and Jakeš Institution for Chronic Mental Patients.

**Many people indicated to the CPT that they had been treated correctly whilst detained by the police. Nevertheless, some persons did allege that they had been physically ill-treated by police officers.**

The Committee emphasises the importance of strict selection criteria during recruitment of police officers and of professional training.

In their response to the report, the authorities of Bosnia and Herzegovina refer to progress in the field of legislative reform, including as regards the development of a new State Law on the Execution of Criminal Sentences, and to measures taken to improve police training and to step up the control of police activities. However, they also make reference to significant budgetary difficulties, which pose an obstacle to tackling problems such as those observed in psychiatric institutions.

<http://www.cpt.coe.int/documents/bih/2004-12-21-eng.htm> (EN)

**Report to the Government of Bosnia and Herzegovina on the visit to Bosnia and Herzegovina carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading**

THEMATIC

JUSTICE AND HOME AFFAIRS

◆ Human rights

- ▶ **Parliamentary questions - Subject: Agency for Fundamental Rights - by Luciana Sbarbati to the Commission (oral question H-0560/04) (20.12.04)**

The Brussels European Council decided to convert the European Monitoring Centre on Racism and Xenophobia into **an Agency for Fundamental Rights**. Resolutions have been adopted by the EP in support of this decision, and in COM(2004)0693/final the Commission announced it would submit a proposal for a regulation on the Agency in 2005.

Can the Commission indicate what the Agency's exact scope will be, so that its activities do not overlap with those of other institutions and it is able to contribute added value in the area of freedom, democracy, the rule of law and respect for human rights and fundamental freedoms? Will its scope be limited to the EU or also extend to third countries, and how will its priorities be established?

What synergies will there be between the Agency and the EP and the Committee on Civil Liberties, Justice and Home Affairs, and what budget will it have to carry on the activities entrusted to it?

<http://www2.europarl.eu.int/omk/OM-Europarl?PROG=QT&L=EN&PUBREF=-//EP//TEXT+QT+H-2004-0560+0+DOC+XML+V0//EN> (EN)

- ▶ **Parliamentary question - Subject: Council of Europe Convention on action against Trafficking in Human Beings - by Sarah Ludford to the Commission (oral question H-0570/04) (20.12.04)**

An estimated **800 000 people are trafficked each year** for enforced prostitution and other forms of enslavement. UNICEF and Save the Children suggest that up to eighty percent are under 18 years old.

Having received a negotiating mandate from the Council of Ministers last June, the Commission is involved in current negotiations in the Council of Europe on the draft Convention on Action Against Trafficking in Human Beings. Can the Commission provide details of its Common Position on behalf of the EU Member States and indicate the basic and fundamental premises upon which it is working? Will the Commission verify that assistance to victims (such as medical care, shelter and physical protection), short-term residence permits to victims of trafficking who cooperate with criminal investigations, and assistance with resettlement in countries of origin are key issues in the Convention?

<http://www2.europarl.eu.int/omk/OM-Europarl?PROG=QT&L=EN&PUBREF=-//EP//TEXT+QT+H-2004-0570+0+DOC+XML+V0//EN> (EN)

◆ Justice and Home Affairs

- ▶ **The European Commission organises events to publicise Justice and Home Affairs issues (21.12.04)**

- ◆ **The Commission launches a public consultation concerning the creation of a Fundamental Rights Agency.**

In the framework of this consultation the Commission will organise a public hearing, which initially was planned for 30 November 2004 (c.f. page 4 of the Communication). Because of the delay with the appointment of the new Commission, the public hearing had to be postponed and the hearing will now take place in Brussels on 25 January 2005.

**This consultation follows the Decision taken by representatives of the Member States meeting within the European Council in December 2003 to extend the mandate of the European Union Monitoring Centre on Racism and Xenophobia, based in Vienna, in order to convert it into a Fundamental Rights Agency.**

The consultation addresses all non-governmental organisations protecting human rights and all persons involved in the development of protecting fundamental rights in the European Union.

The Commission publishes a [list of questions](#) (de - en - fr) to act as guidelines for comments. The contributors do not need to answer all these questions directly. Neither need they comment on all points presented by the Commission in its Communication. (...)

[http://europa.eu.int/comm/justice\\_home/news/events/news\\_events\\_en.htm](http://europa.eu.int/comm/justice_home/news/events/news_events_en.htm) (EN)

► **Report of the Experts Group on Trafficking in Human Beings** (22.12.04)

This report aims to indicate ways to strengthen EU action against trafficking in human beings.

**Trafficking in human beings should be understood as a complex phenomenon violating the trafficked persons' will and right of self-determination and affecting her or his human dignity.**

**From a human rights perspective, the primary concern is to combat the use of forced labour or services, slavery, slavery like practices and the like, no matter how people arrive in these conditions. In applying the UN Trafficking Protocol, States should therefore focus on the forced labour and slavery like outcomes of trafficking rather than on the mechanisms of trafficking itself, i.e. the process of how the person is brought into the situation of exploitation. Member States should adequately criminalize any exploitation of human beings under forced or slavery like conditions, independent of whether such exploitation concerns a "victim of trafficking", a "smuggled person", an "illegal migrant" or a "lawful resident".**

**Policies should clearly stress that trafficking in human beings is a serious crime and human rights violation, which needs to be addressed separate and apart from other forms of illegal activities, in particular irregular migration. (...)**

The Commission should take the initiative for the adoption of a legally binding EU instrument covering the status of trafficked persons which clearly goes beyond current Member States' commitments and lays down minimum standards of treatment to which all trafficked persons would be entitled, independent of their capacity or willingness to cooperate in criminal proceedings or to give evidence. **Special attention should be given to the position, rights and needs of children. All actions taken in relation to trafficked children shall be based on the following principles: the best interest principle, the right to participate and the principle of non-discrimination. (...)**

**Non-governmental organisations play a crucial role not only in providing assistance to trafficked persons but also in maintaining and strengthening democratic processes in societies and in monitoring and advocating implementation of human rights commitments by States. (...)**

In order to facilitate cooperation, contacts and exchange of information as well as the development, monitoring and evaluation of anti-trafficking policies on the European level, **a European Anti-Trafficking Network built on the national cooperative structures should be established.**

A present problem is **the lack of relevant data and/or the fragmented character of available data and the lack of exchange of information at national as well as at European and international level.** In order to address this problem, National Rapporteurs or a comparable mechanism should be established in order to systematically collect and analyse information from different sources and actors. To be able to compare data, common guidelines on data collection should be developed. Once national data collection mechanisms are in place, a similar mechanism should be established at the European level. (...)

**Prevention of trafficking in human beings is one of the most important lines of action to reduce this crime.** Elements are research, awareness raising, training and administrative controls along with addressing the root causes of trafficking and the issue of demand.

Prevention is not only an issue for countries of origin, but also for countries of destination.

Prevention is primarily the responsibility of States, in cooperation with local authorities, international and non-governmental organisations, the business sector, labour unions and private citizens.

**Root causes of trafficking are varied and complex. They range from globalisation, employment, trade and migration policies, humanitarian and environmental disasters and poverty to gender and ethnic discrimination, violence against women, lack of opportunities in countries of origin and the increasing demand for cheap, unskilled and easy to exploit labour and services in countries of destination.** To prevent trafficking, the EU and Member States should review policies that may compel people to resort to irregular migration and consider increasing the opportunities for legal labour migration, along with the protection of the human rights of all migrants, regular or irregular, internal or across international borders. Moreover, prevention strategies should counteract discrimination, marginalisation and social exclusion. (...)

**Children represent an increasing vulnerable group and should be guaranteed special attention, protection and opportunities.** Existing international instruments dealing with children should be enforced.



Until now States' policies, including EU policy responses to trafficking, have tended to concentrate on measures in the area of crime control and migration policies, but **much less on the assistance and human rights protections for trafficked persons.** The neglect of the area of assistance and protection to trafficked persons forms both an obstacle to effectively address trafficking and falls short of the obligations that States have under international human rights law. Trafficked persons should have access to adequate remedies, including assistance, protection and compensation, regardless of their willingness or capacity to testify against their traffickers. (...)

**Trafficked children should always be allowed a temporary residence permit; they should only be returned if the return is in the best interest of the child, safe and assisted.** Any decision to deport or return a trafficked person should be preceded by a risk assessment. Long term assistance programs should be developed in close cooperation with NGOs and IOs and should aim at the empowerment and social inclusion of trafficked persons either in their home country or the country of destination. (...)

Trafficked persons should be treated as victims of crime and not be detained, charged or prosecuted for activities they are involved in as a consequence of their situation as trafficked person. Provisions for protection in criminal proceedings should be defined. Victims should be granted the right to information and advice, privacy, compensation and protection. Special court proceedings should be developed to protect victims giving testimony. **The Commission should take the initiative for the development of a legally binding instrument covering the standing of trafficked persons in criminal proceedings.**

**One of the rights of trafficked persons is that to return voluntarily and safely to their countries of origin.** Member States should establish appropriate return procedures and long term assistance programs, with due regard to the privacy, safety, dignity and welfare of the trafficked person, in close partnership with NGOs, IOs, IGOs and countries of origin. (...)

**Being the victims of serious crime, trafficked persons should be entitled to compensation by States. Procedures and mechanisms for these compensations should be created.**

**Report available on:**

[http://europa.eu.int/comm/justice\\_home/doc\\_centre/crime/trafficking/doc/report\\_expert\\_group\\_1204\\_en.pdf](http://europa.eu.int/comm/justice_home/doc_centre/crime/trafficking/doc/report_expert_group_1204_en.pdf)(EN)

► **Trafficking in human beings** (22.12.04)

Trafficking in human beings as defined in the EU Council Framework Decision of 22 July 2004 on combating trafficking in human beings and in the UN Trafficking Protocol is

- a crime against another person,
- including the use of coercion, force, deceit, fraud, etc.,
- for the purpose of exploitation
- of that person's labour,
- of that person's prostitution.

**Trafficking in human beings as a crime has to be distinguished from migrant smuggling** (facilitation of unauthorised entry, transit and residence), which is the subject of different legal acts at EU and international level. However, in practice many but trafficked persons enter into or reside in a country illegally. On the other hand, **trafficking in human beings does not require that the victims crosses a border. It can also happen within the same national territory.** (...)

**Article 5 par. 3 of the EU Charter of Fundamental Rights stipulates: "Trafficking in human beings is prohibited."** In 2002, the UN High Commissioner for Human Rights issued "Recommended Principles and Guidelines on Human Rights and Human Trafficking," which demand that the human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking, assist and provide redress to victims."

All relevant actors agree that an EU anti-THB policy requires a multidisciplinary or holistic and integrated approach including elements of

- **prevention** (tackling the root causes in countries of origin as well as the demand side in countries of destination; ensuring research and policy evaluation; awareness raising; training; administrative controls);
- **Assistance, protection and social inclusion of trafficked persons** (e.g. identification of victims; adequate residence status; appropriate witness protection; compensation schemes);
- **specific care for child victims;**
- **law enforcement** (sufficient financial and human resources to be allocated; THB investigations to be considered as priorities and to be done by specialised personnel; adequate rules against money laundering and corruption).

Migration and labour as well as a gender sensitive policy play a particularly important role in this context.

**Relevant EU law :**

- **Council Framework Decision of 19 July 2002 on combating trafficking in human beings** (MS had to criminalise THB by August 2004)
- **Council Framework Decision of 22 December 2002 on combating the sexual exploitation of children and child pornography** (inter alia MS have to criminalise the use of sexual services of children by January 2006)
- **Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings** (particularly important for victims of trafficking).
- **Directive of 29 April 2004 on temporary residence permits for trafficked victims, who cooperate with the competent authorities**

**The Experts Group on THB :**

In 2003, the Commission adopted **the Decision setting up a consultative group, to be known as the Experts Group on Trafficking in Human Beings and appointed the 20 members of the Group as independent experts not representing the views of their governments or organisations.** The Group's terms of reference are as follows: the Commission may consult the Group on any matter relating to trafficking in human beings. The Group shall issue opinions or reports to the Commission at the latter's request or on its own initiative, taking into due consideration the recommendations set out in the Brussels Declaration. In particular, a report of the Group based on the recommendations of the Brussels Declaration should be submitted to assist the Commission with a view to launching further concrete proposals at EU level.

<http://europa.eu.int/rapid/pressReleasesAction.do?reference=MEMO/04/303&format=PDF&aged=0&language=EN&guiLanguage=en> (EN)