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B5-0064/2003

## **MOTION FOR A RESOLUTION**

further to the Council and Commission statements

pursuant to Rule 37(2) of the Rules of Procedure

by Bob van den Bos and Cecilia Malmström

on behalf of the ELDR Group

on the EU's rights, priorities and recommendations for the 59th session of the UN Commission on Human Rights in Geneva (17 March to 25 April 2003)

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**European Parliament resolution on the EU's rights, priorities and recommendations for the 59th session of the UN Commission on Human Rights in Geneva (17 March to 25 April 2003)**

*The European Parliament,*

- having regard to the EU Treaty and its provisions on human rights,
  - having regard to the Charter of Fundamental Rights of the European Union,
  - having regard to the EU's role in promoting human rights and democratisation in third countries (COM(2001) 252 final),
  - having regard to its annual report on human rights in the world and European Union human rights policy (doc. A5-0106/2002 - Van Hecke report),
  - having regard to its report on the progress achieved in the implementation of the common foreign and security policy (doc. A5-0296/2002 - Brok report),
  - having regard to its earlier resolutions on the UN Commission on Human Rights and most particularly to its resolution of 7 February 2002,
- A. whereas one of the main objectives of the European Union must 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; whereas tolerance, justice and respect for the dignity of the individual are innate in mankind; whereas all human beings are born free and equal in dignity and rights,
- B. whereas the promotion and protection of human rights and the attachment to the principles of democracy and the rule of law represent a key component of the EU's common foreign and security policy and of its development cooperation policy and external relations,
- C. whereas, in this spirit, the EU must continue to actively work towards strengthening human rights and fundamental freedoms, inter alia by emphasising the universal, indivisible, interdependent and interrelated nature of all human rights,
- D. whereas the UN Commission on Human Rights is the main forum for debate on human rights within the UN system, and whereas human rights violations in specific countries are a legitimate matter of concern for it,
- E. welcoming the growing number of demands for freedom and democracy throughout the world, but deploring the persistence of flagrant violations of human rights in many countries,

- F. whereas the EU must play a well-prepared leadership role at this session, with a special responsibility to ensure the integrity and credibility of the work of the Commission on Human Rights as the world's primary human rights body,
- G. whereas the fact that there is a human rights dialogue between the EU and a third country should not prevent the EU from either submitting a resolution on the human rights situation in that country or providing support for an initiative by the third country,
- H. whereas a permanent and constructive dialogue with the representatives of civil society, NGOs and grassroots organisations, in particular human rights organisations, is fundamental to effective action for the promotion and defence of human rights around the world,
- I. reminding the Council that it did not act on paragraph 10 of last year's resolution calling upon the Council to report back to Parliament on its activities in and the outcome of the 2002 UNCHR session,
- J. having regard to the preparations that the Council and the Commission are making for this session, and noting that so far no information has been offered to Parliament about this preparation,
1. Reaffirms that respecting, promoting and safeguarding human rights is part of the European Union's ethical acquis and one of the cornerstones of European integration;
  2. Reaffirms the need for a coordinated, concerted and well-prepared approach on the part of the European Union prior to, during and after the UN Commission on Human Rights 59th session (including a solution for the EU working language problem and for the division of labour) so as to ensure an efficient and effective contribution to the proceedings of the UN Commission on Human Rights;
  3. Considers that membership of the UN Commission on Human Rights must be dependent on criteria relating to cooperation with the UN mechanisms and the proven political will of the state to guarantee the protection of fundamental human rights, and that the chairperson of the UN Commission on Human Rights should be an exponent of human rights at the domestic and international level; deplores, therefore, the election of Libya to chair the UN Commission this year and strongly regrets the EU Member States' abstention during the vote;
  4. Calls on the EU to work for the universal ratification of the main human rights instruments available to countries, in particular the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, the Convention on the Elimination of Racial Discrimination and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and calls on all governments, as a matter of urgency, to ratify these conventions without reservation, and to implement them;

5. Calls on the members of the UNCHR to concretely express their human rights commitments and, in particular, to co-operate fully with the special procedures of the UNCHR, including through the issuing of a standing invitation to UN human rights monitoring mechanisms, to ratify and implement the key human rights treaties, and to cooperate fully with the treaty monitoring bodies;
6. Calls on the EU Presidency to sponsor or co-sponsor a resolution to strengthen the special procedures of the UNCHR including through allocating adequate resources to assist their effective functioning and ensure that their recommendations are produced, distributed, and implemented in a timely manner and that provision is made for an adequate follow-up;
7. Urges all states to give due attention to the question of impunity in respect of violations of international human rights and humanitarian law, including those perpetrated against women and children;
8. Recognises the fundamental importance of the principle of complementarity in the Rome Statute of the International Criminal Court; and calls on the EU Presidency to address this important issue by sponsoring or co-sponsoring a resolution at the 59th session of the UNCHR appealing to all UN members to ratify or accede to the Rome Statute setting up the ICC;
9. Calls on the EU to sponsor a resolution inviting all States to introduce a moratorium on executions with a view to completely abolishing the death penalty, and reiterates its request to the United States, China, Saudi Arabia, Congo-Brazzaville and the DRC, Iran and other states to immediately end all executions;
10. Congratulates Governor George Ryan of Illinois on commuting the sentences of all 167 inmates on death row in his state, welcomes Mississippi Governor Ronnie Musgrove's decision to grant Ronald Chris Foster, a juvenile offender, a reprieve until his case can be considered by the State Supreme Court, and encourages other Governors to do the same;
11. Condemns the use of stoning under Sharia law, all forms of degrading and cruel punishment and all legalised forms of torture notably as practised in Iran, some states of Nigeria, Saudi Arabia and Sudan; and insists that a resolution be sponsored on this issue during the 2003 UNCHR session;
12. Calls on the EU Presidency to sponsor a resolution regarding all forms of forced work by people of all ages and races, and both sexes e.g. forced prostitution of children, women and men, forced child labour, child soldiers, slavery-like conditions of work in several continents and the link to trafficking in human beings as a form of slavery and, as such, as a violation of human rights;
13. Considers that the fight against terrorism should in no way endanger the protection of fundamental human rights and must be based on international humanitarian law, and considers that the UN Commission on Human Rights must take concrete action to address the issue of human rights and counter-terrorism;

14. Calls on the EU Presidency to sponsor or co-sponsor resolutions on fundamental rights and freedoms vis-à-vis anti-terrorist legislation and practices; asylum and refugee protection; human rights defenders; torture; disappearances; freedom of thought, religion and speech; children's rights; women's rights; racism; homosexuals and minorities;
15. Calls on the EU Presidency to sponsor or support resolutions on: China, in particular addressing the situation in Tibet and Xinjiang; Russia, in particular addressing the situation in Chechnya; Algeria, Tunisia, Libya , the human rights situation in the Middle East, Saudi Arabia, Iran, the Democratic Republic of Congo, Burundi, the Central African Republic, Côte d'Ivoire, Guatemala, Cuba, North Korea, Colombia, East Timor and Nepal;
16. Calls on the UNCHR to establish without delay an open-ended inter-sessional working group of the Commission to elaborate a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights;
17. Calls on the Council to ensure that the UNCHR resolutions (sponsored or co-sponsored by the EU) are integrated into EU human rights policy, in particular by regular monitoring of their implementation and by raising the issues in the EU's political dialogue with the countries concerned;
18. Decides to establish a delegation of Members of the European Parliament to attend the UNCHR and to establish regular contacts with the bodies and representatives of the Council, the Member States and the Commission which are coordinating the EU initiatives on the UNCHR;
19. Expects the Council and the Commission to report back in full to Parliament in plenary session on the outcome of the UNCHR no later than May 2003; points out that this report will outline in detail not only on which issues the EU and its Member States sponsored or co-sponsored resolutions and the range of actions taken by the EU during UNCHR session, but also when and why such sponsoring was considered to be impossible;
20. Instructs its President to forward this resolution to the Council and the Member States, the Commission and the Secretary-General of the United Nations.