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*Plenary sitting*

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**B8–0065/2016**

14.1.2016

## MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 123(2) of the Rules of Procedure

on the EU's priorities for the UN Human Rights Council sessions in 2016 (2015/3035(RSP))

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on behalf of the ECR Group

**European Parliament resolution on the EU's priorities for the UN Human Rights Council sessions of 2016  
(2015/3035(RSP))**

*The European Parliament,*

- having regard to the Universal Declaration of Human Rights and to the UN human rights conventions and optional protocols thereto, including the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
  - having regard to United Nations General Assembly Resolution 60/251 establishing the Human Rights Council (UNHRC),
  - having regard to the European Convention on Human Rights, the European Social Charter and the EU Charter of Fundamental Rights,
  - having regard to the EU Action Plan on Human Rights and Democracy 2015-2019,
  - having regard to its previous resolutions on the United Nations Human Rights Council,
  - having regard to its previous resolutions on the violation of human rights, including its urgency resolutions on the issues,
  - having regard to its resolution of 17 December 2015 on the Annual Report on Human Rights and Democracy in the World 2014 and the European Union's policy on the matter<sup>1</sup>,
  - having regard to Articles 2, 3(5), 18, 21, 27 and 47 of the Treaty on European Union,
  - having regard to the 2015 annual report of the UNHRC to the UN General Assembly,
  - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas 2015 and 2016 are years of major anniversaries as regards the enjoyment of human rights, peace and security: the 70th anniversary of the founding of the United Nations, the 50th anniversary of the International Covenant on Civil and Political Rights (ICCPR) and of the International Covenant on Economic, Social and Cultural Rights (ICESCR), the 40th and 20th anniversaries of the UN Declaration on the Right to Development (1986) and the Beijing Declaration and Platform for Action (1995) respectively, and the 15th anniversary of the landmark UN Security Council resolution on women, peace and security (2000) and the Millennium Development Goals (2000);
- B. whereas upholding respect for human rights irrespective of race, origin, sex or colour is an obligation on all states; whereas all states have an obligation to respect the basic rights of their respective populations and a duty to take concrete action to facilitate

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<sup>1</sup> Texts adopted, P8\_TA(2015)0470.

respect for those rights at national level and to cooperate at international level with a view to eliminating obstacles to the realisation of human rights in all areas;

- C. whereas respect for, and the promotion and safeguarding of, the universality of human rights is part of the European Union's ethical and legal *acquis* and one of the cornerstones of European unity and integrity;
  - D. whereas the Union's action in its relations with third countries is guided by Article 21 of the Lisbon Treaty, which reaffirms the universality and indivisibility of human rights and fundamental freedoms and provides for respect for human dignity, the principles of equality and solidarity, and the principles of the United Nations Charter and international law;
  - E. whereas respect for human rights should be taken into account in all policy areas involving peace and security, development cooperation, trade and investment, humanitarian action, climate change and the fight against terrorism;
  - F. whereas the regular sessions of the UNHRC, the appointment of Special Rapporteurs, the Universal Periodic Review (UPR) mechanism, and the Special Procedures addressing either the situation in specific countries or thematic issues all contribute to the promotion of and respect for human rights, democracy and the rule of law;
  - G. whereas, regrettably, some of the current members of the Human Rights Council are acknowledged as being among the worst human rights offenders and have a dubious record in terms of cooperation with the UN Special Procedures and compliance with their reporting requirements vis-à-vis the UN human rights treaty bodies;
- 1. Welcomes the appointment of Ambassador Choi Kyong-lim as President of the UNHRC for 2016;
  - 2. Welcomes the UNHRC annual report to the UN General Assembly covering its 28th, 29th and 30th sessions;
  - 3. Reiterates its position that UNHRC members should be elected from states which uphold respect for human rights, the rule of law and democracy, and urges UN member states to promote human rights performance-based criteria as a condition for any state to be elected as a member of the UNHRC; expresses its concerns about human rights abuses in some newly elected members of the UNHRC;
  - 4. Reiterates its support for the Special Procedures and the independent status of the mandate holders, which enable them to fulfil their function with full impartiality, and calls on all states to cooperate with these procedures;
  - 5. Reaffirms the importance of the universality of the Universal Periodic Review (UPR), with a view to reaching a full understanding of the human rights situation in all UN member states, and reiterates its support for the second cycle of the review, which focuses on the implementation of the recommendations accepted during the first cycle; calls again, however, for the recommendations that were not accepted by states during the first cycle to be reconsidered in the continuation of the UPR process;

6. Calls for the EU and the Commission to follow up on the UPR recommendations in all EU policy dialogues with the countries concerned in order to explore ways and means of implementing the recommendations through country and regional strategies;
7. Stresses the need to ensure that a wide range of stakeholders, notably from civil society, participate fully in the Universal Periodic Review (UPR) process, and expresses its concern that severe limitations have hampered civil society's participation in the UPR processes of some countries;
8. Welcomes the UN High Commissioner for Human Rights' Initiative for Change, intended to improve and reinforce the global presence of UN human rights offices with the creation of eight regional hubs to monitor and promote respect for human rights by working directly with partners in order to transform the recommendations of the human rights mechanisms into real changes on the ground;
9. Expresses its concern about the constitutional revisions undertaken in some countries, aimed at changing the limit set on presidential terms of office, an issue which has generated election-related violence in some cases; reaffirms that respect for civil and political rights, including individual and collective freedom of expression, and freedom of assembly and association, are the sole indicators of a democratic, tolerant and pluralistic society;
10. Reiterates that freely electing political leaders, in periodically held genuine elections on the basis of universal and equal suffrage, is a fundamental right that all citizens should enjoy in conformity with the Universal Declaration of Human Rights (Article 21(3)) and the International Covenant on Civil and Political Rights (Article 25); and reaffirms that freedom of expression and a vibrant and conducive environment for an independent and pluralistic civil society are prerequisites for promoting respect for human rights;
11. Condemns the continued harassment and detention of human rights defenders and opposition figures by government forces in a number of third countries; expresses its concern about unfair and restrictive legislation, including restrictions on foreign funding, which is resulting in a shrinking space for civil society activities; calls on all governments to promote and facilitate freedom of the media, civil society organisations and the activities of human rights defenders and to allow them to operate without fear, repression or intimidation;
12. Takes the view that contemporary digital technologies offer advantages and challenges for the protection of the right to privacy and for the exercise of freedom of expression online around the world; welcomes, in this context, the appointment of a UN Special Rapporteur on the Right to Privacy in the Digital Age, whose mandate includes surveillance and privacy issues that affect people online or offline;
13. Recalls that freedom of thought, conscience, religion and belief is a fundamental human right, as recognised in the Universal Declaration of Human Rights and guaranteed by Article 18 of the International Covenant on Civil and Political Rights; equally, recalls its interrelatedness with other human rights and fundamental freedoms encompassing the right to believe or not to believe, the freedom to practise theistic, non-theistic or atheistic belief alike, and the right to adopt, change and abandon or return to a belief of one's choice; expresses its concern at the fact that some countries still fail to abide by

UN standards and use state repression, which may include physical punishment, prison terms, exorbitant fines and even the death penalty, in violation of freedom of religion or belief; is concerned at the increased persecution of religious or belief minorities, including Christian communities, as well as unlawful damage to their places of assembly;

14. Calls on the EU and its Member States to step up their efforts at UN level to contribute to the eradication of all form of religious discrimination and to promote inter-religious dialogue when engaging with third countries; requests concrete actions to protect religious minorities and non-believers, apostates and atheists who are victims of blasphemy laws; welcomes the EU's commitment to promote freedom of religion or belief in international forums, including by supporting the mandate of the UN Special Rapporteur on freedom of religion or belief; fully supports the EU's practice of taking the lead on thematic resolutions at the UNHRC and the UNGA on this topic;
15. Considers that trade and human rights can go hand in hand and that the business community has an important role to play in promoting human rights and democracy;
16. Strongly supports the effective and comprehensive implementation of the UN Guiding Principles on Business and Human Rights within and outside the EU, including through the development of National Action Plans; emphasises the need to take all the necessary measures to address gaps in the effective implementation of the UN Guiding Principles, including access to justice and remedies;
17. Calls on the UN and the EU to address the question of land rights defenders who are victims of reprisals, including threats, harassment, arbitrary arrest, assault and murder, for criticising large-scale land acquisition at the expense of the land and food rights of rural populations in third countries; calls for the UN mechanisms and the EU Action Plan on human rights and democracy to systematically include land rights defenders in their human rights projects;
18. Welcomes the Paris Agreement under the United Nations Framework Convention on Climate Change (UNFCCC), which covers adaptation, mitigation, technology development and transfer, and capacity building; insists that the issue of climate change should be mainstreamed in all economic policy areas; urges all states parties which are signatories to the Agreement to adopt urgent and ambitious mitigation and adaptation measures by mainstreaming climate change in all policy areas;
19. Welcomes the UN Security Council's recent resolution 2242 on women, peace and security, which makes women the central component in all efforts to address global challenges, including rising violent extremism, climate change, migration, sustainable development, peace and security; commends the UN Global Study findings on the implementation of UN Security Council resolution 1325 on women, peace and security, which stressed the importance of women's leadership and participation in conflict resolution and peacebuilding and that their involvement has improved humanitarian assistance, strengthened peacekeepers' efforts, fostered the conclusion of peace talks and helped to counter violent extremism;
20. Expresses its dismay at the fact that since the emergence of violent extremist groups such as Daesh in Syria and Iraq or Boko Haram in West Africa, violence against women

has taken on a new dimension that is more terrifying than ever, as sexual violence has become an integral part of the objectives and ideology of and a source of revenue for these extremist groups, confronting the international community with a critical new challenge; calls on all governments and the UN institutions to step up their commitment to combating these abominable crimes and to restore the dignity of women so that they receive justice, reparation and support;

21. Recalls that the Convention on the Rights of the Child, which was adopted in 1989 and is the most widely ratified international human rights treaty, sets out a number of children's rights, including the right to life, to health, to education and to play, as well as the right to family life, to be protected from violence and discrimination and to have their views heard; calls on all signatories to this treaty to honour their obligation;
22. Expresses its concern regarding the persistence of discriminatory laws and practices and of acts of violence against individuals in various countries, on the basis of their sexual orientation and gender identity; encourages close monitoring of the situation of LGBTI people in countries where recently introduced anti-LGBTI laws threaten the lives of sexual minorities; Urges the EU and its Member States to focus, within the framework of the UNHRC, on instances of criminalisation of LGBTI people;
23. Calls for effective and coordinated action to address the root causes of migration; calls furthermore for more efforts at UN level to ensure sufficient funding for the UNHCR, the WFP and other UN bodies involved in providing basic services for refugees inside and outside conflict areas;

#### **Countries under the Universal Periodic Review (UPR)**

##### **Georgia**

24. Welcomes Georgia's membership of the UNHRC and the recent UPR on Georgia; takes note of the meaningful legislative reforms that have resulted in some progress and improvements in areas including the justice and law enforcement sector, the Prosecutor's office, the fight against ill-treatment, children's rights, the protection of privacy and personal data, and internally displaced persons (IDPs);
25. Notes however that further efforts are needed with regard to ill-treatment, especially regarding pretrial detention and the rehabilitation of victims; remains concerned about freedom of expression and the media and the lack of access by monitors to the occupied regions of Abkhazia and the Tskhinvali region/South Ossetia, where human rights violations remain widespread; and calls on the Georgian Government to take appropriate measures with a view to ensuring a follow-up to the recommendations made in the UPR process;

##### **Ukraine**

26. Deplores the fact that ongoing Russian aggression has caused a dire humanitarian situation in the Donbas and that Ukrainian and international humanitarian organisations are refused access to the occupied regions; expresses its deep concern regarding the humanitarian challenge posed by the conditions of the more than 1,5 million internally displaced persons; is also deeply concerned at the human rights violations in Russian-

occupied Crimea, especially the dire situation of the Crimean Tatars, as well as the situation of other minority groups and those supporting Ukrainian rule; urges the EU and its Member States to address these issues in the framework of the UNHRC;

## **Lebanon**

27. Commends Lebanon for the open border and reception policy which it had for years regarding refugees from Palestine, Iraq and Syria, and calls on the European Union to allocate more resources and to work closely with the Lebanese authorities to help the country uphold the protection of the rights of refugees and asylum seekers; is concerned, in this context, about the reportedly significant number of cases of child and/or forced marriages among Syrian refugees; encourages the Lebanese Government to consider a reform of the law regulating entry into, stay in and exit from Lebanon, which does not distinguish between asylum seekers and refugees on the one hand and migrants on the other;
28. Supports the recommendations of the UN Committee on the Elimination of Discrimination against Women (CEDAW) in calling for measures to raise awareness among women migrant domestic workers of their human rights under the CEDAW Convention, to which Lebanon is a state party; emphasises, in particular, the need to abolish the 'Kafala system' and ensure effective access to justice for women migrant domestic workers, including by guaranteeing their safety and residence during legal and administrative procedures relating to their status;

## **Mauritania**

29. Stresses that while progress has been made by the Mauritanian Government in taking legislative measures aimed at fighting all forms of slavery and slavery-like practices, the lack of effective implementation contributes to the persistence of such practices; calls on the authorities to enact an anti-slavery law, to initiate nationwide, systematic and regular collection of disaggregated data on all forms of slavery and to conduct a thorough evidence-based study on the history and nature of slavery in order to eradicate the practice;
30. Urges the Mauritanian authorities to allow freedom of speech and assembly, in accordance with international conventions and Mauritania's own domestic law; calls also for the release of Biram Dah Abeid, Bilal Ramdane and Djiby Sow so that they may continue their non-violent campaign against the continuation of slavery without fear of harassment or intimidation;

## **Myanmar**

31. Welcomes the holding of competitive elections on 8 November 2015, an important milestone in the country's democratic transition; remains concerned, however, by the constitutional framework for these elections, under which 25 % of the seats in the parliament are reserved for the military; recognises the progress made so far as regards human rights, while identifying a number of remaining areas of major concern, including the rights of minorities and freedom of expression, association and peaceful assembly;

32. Condemns the discrimination against the Rohingya, which is exacerbated by the fact that this community lacks legal status, and by the rise of hate speech against non-Buddhists; calls for full, transparent and independent investigations into all reports of human rights violations against the Rohingya and considers that the four laws adopted by the parliament in 2015 aimed at ‘protecting race and religion’ include discriminatory aspects as regards gender; repeats its request that the Office of the High Commissioner for Human Rights (OHCHR) be permitted to establish an office in the country; stresses the need for a full sustainability impact assessment to be carried out before negotiations on the EU-Myanmar investment agreement are finalised;

## **Nepal**

33. Welcomes the entry into force on 20 September 2015 of Nepal’s new constitution, which should lay the foundations for the country’s future political stability and economic development; hopes that the remaining concerns around the political representation of minorities, including the Dalits, and citizenship laws will be addressed in the near future;
34. Regrets the widespread lack of accountability for human rights abuses committed by both sides during the civil war despite the adoption in May 2014 of the Truth, Reconciliation and Disappearance Act; urges the Government of Nepal to accede to the International Convention on the Protection of All Persons from Enforced Disappearance; condemns the limitations placed on the fundamental freedoms of Tibetan refugees; urges India to lift its unofficial blockade on Nepal’s economy which, coupled with the devastating earthquake of April 2015, is causing a humanitarian crisis and pushing almost one million more Nepalis into a poverty-related impasse;

## **Oman**

35. Commends Oman for the setting-up of the governmental National Human Rights Commission (NHRC) and the invitation which allowed the ground-breaking visit of the UN Special Rapporteur on the Right to Peaceful Assembly in September 2014; expresses the hope that these constructive steps will lead to a more intensive engagement by Oman with UN human rights representatives and independent human rights organisations;
36. Encourages Oman to take the necessary steps to alleviate what the UN Special Rapporteur described as a pervasive climate of fear and intimidation in the country, when he stated that individuals were ‘afraid to speak their minds, afraid to speak on the telephone, afraid to meet’; remains concerned about, and calls on the government to reconsider, in this context, the ban on all political parties and the new nationality law adopted in August 2014, which stipulates that citizens joining groups deemed harmful to national interests could have their citizenship revoked; calls on the EU Institutions and the Member States to offer technical and legal assistance to help Oman create a safe and enabling environment for civil society organisations;

## **Rwanda**

37. Expresses its concern about the human rights situation in Rwanda, including the restrictions on freedom of expression and association, the shrinking of the democratic



space for opposition political parties and independent civil society activities, and the absence of a conducive environment for the independence of the judiciary; calls on the Rwandan Government to open up a democratic space in which all segments of society may operate freely;

38. Is concerned at the constitutional change, made possible by the referendum held on 18 December 2015, allowing the incumbent president to run for a third term; calls on the Government of Rwanda to uphold the African Charter on Democracy, Elections and Governance, Article 5 of which lays down that states parties shall take all appropriate measures to ensure constitutional rule, particularly constitutional transfer of power, and Article 23 of which states that any amendment of the constitution which infringes on the principles of democratic change of government is illegal;

### **South Sudan**

39. Welcomes the Peace Agreement signed by the warring parties on 28 August 2015 to end the civil war, which includes transitional power-sharing, security arrangements and the creation of a hybrid court to try all crimes committed since the conflict started; recalls that the conflict has claimed thousands of lives and given rise to hundreds of thousands of displaced people and refugees;
40. Calls on all parties to refrain from committing human rights violations and violations of international humanitarian law, including those amounting to international crimes, such as extrajudicial killings, ethnically targeted violence, conflict-related sexual violence, including rape, as well as gender-based violence, recruitment and use of children, enforced disappearances and arbitrary arrests and detention;

### **Syria**

41. Emphasises the importance of the work carried out by the UN Independent International Commission of Inquiry on the Syrian Arab Republic; notes with grave concern the core finding of the commission of inquiry that the main causes of civilian casualties, arbitrary displacement and destruction remain the deliberate targeting of civilians, indiscriminate and disproportionate attacks, attacks on civilian and protected cultural heritage objects and the punitive imposition of sieges and blockades;
42. Calls for the EU and the Member States to help make sure that the commission of inquiry is adequately funded to fulfil its mandate, which consists in establishing the facts and circumstances of all serious human rights violations committed, and where possible, identifying those responsible with a view to ensuring that the perpetrators of violations, including violations that may constitute crimes against humanity, are held accountable;

### **Venezuela**

43. Welcomes Venezuela's holding of free and fair elections on 6 December 2015; welcomes the acceptance of the results by the government and opposition forces alike; recalls the importance of upholding the constitution and respecting human rights, and of carrying out the will of the Venezuelan people, and stresses that the new parliament must be able to do its work and the institutions of the state must be able to work

together;

44. Recalls that the new government will have to tackle a wide range of human rights issues, ranging from impunity and accountability for extrajudicial killings, including by security forces, to arbitrary arrest and detention, political prisoners' right to a fair trial and the independence of the judiciary, freedom of assembly and association and media freedom;

## **China**

45. Notes the recent worsening of the human rights situation in China; is deeply worried at the arrest, trial and sentencing of numerous civil rights activists, human rights defenders and government critics; remains concerned at the persisting severe restrictions on freedom of expression, association, assembly, and religion, as well on the activities of human rights organisations, and deplores the often discriminatory treatment of religious and ethnic minorities in China; calls on the EU and the Human Rights Council to work together with the Chinese authorities in their dialogues in order to advance respect for the universality of human rights;

## **Russia**

46. Is deeply concerned at the human rights situation in Russia, and in particular the manipulation of the judiciary by the political authorities; recalls that some Russian opposition lawmakers and investigative journalists are suspected to have been assassinated while investigating corruption and alleged crimes on the part of the state authorities or the FSB; deplores the fact that the press and other media remain highly dependent on the political authorities; regrets the fact that Russia has continued its hostile policy towards foreign NGOs, forcing them to re-register as Russian organisations subject to Russian jurisdiction and thus to stricter financial and legal restrictions;

## **Iran**

47. Expresses its serious concern at the human rights situation in Iran, in particular the vast numbers of executions of prisoners, including alleged juvenile offenders as well as political prisoners and members of religious minorities;

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48. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the UN Security Council, the UN Secretary-General, the President of the 69th UN General Assembly, the President of the UN Human Rights Council, the UN High Commissioner for Human Rights and the Secretary-General of the Parliamentary Assembly of the Council of Europe.