



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Foreign Affairs

2011/2185(INI)

19.1.2012

DRAFT REPORT

on the Annual Report on Human Rights in the World and the European Union's policy on the matter, including implications for the EU's strategic human rights policy
(2011/2185(INI))

Committee on Foreign Affairs

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the Annual Report on Human Rights in the World and the European Union's policy on the matter, including implications for the EU's strategic human rights policy

(2011/2185(INI))

The European Parliament,

- having regard to the EU Annual Report on Human Rights and Democracy in the World in 2010 (11501/2/11) published by the European External Action Service on 26 September 2011,
- having regard to the Joint Communication of the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission to the European Parliament and the Council of 12 December 2011 on Human Rights and Democracy at the Heart of EU External Action – Towards a more effective approach (COM(2011)0886),
- having regard to its resolution of 14 February 2006 on the human rights and democracy clause in European Union agreements¹,
- having regard to its resolution of 25 February 2010 on the 13th session of the United Nations Human Rights Council (Geneva, 1 – 26 March 2010)²,
- having regard to its resolution of 19 May 2010 on the Review Conference on the Rome Statute of the International Criminal Court, in Kampala, Uganda³, the resolutions and declarations adopted by the Review Conference in Kampala, Uganda, 31 May – 11 June 2011, and the pledges signed up to by the EU,
- having regard to its resolution of 17 November 2011 on EU support for the ICC: facing challenges and overcoming difficulties⁴,
- having regard to Council Decision 2011/168/CFSP of 21 March 2011 on the International Criminal Court⁵, and the revised action plan,
- having regard to its resolution of 17 June 2010 on EU policies in favour of human rights defenders⁶,
- having regard to its resolution of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women⁷,
- having regard to its resolution of 25 November 2010 on corporate social responsibility in

¹ Texts adopted, P6_TA(2006)0056.

² Texts adopted, P7_TA(2010)0036.

³ Texts adopted, P7_TA(2010)0185.

⁴ Texts adopted, P7_TA(2011)0507.

⁵ OJ L 76, 22.3.2011, p. 56.

⁶ Texts adopted, P7_TA(2010)0226.

⁷ Texts adopted, P7_TA(2011)0127.

international trade agreements¹,

- having regard to its resolution of 8 June 2011 on the external dimension of social policy, promoting labour and social standards and European corporate social responsibility²,
- having regard to its resolution of 7 July 2011 on EU external policies in favour of democratisation³,
- having regard to all its resolutions on urgent cases of breaches of human rights, democracy and the rule of law,
- having regard to its resolution of 5 May 2010 on the power of legislative delegation⁴,
- having regard to the Statement by the European Parliament and the Council on the use of Delegated Acts in the future Multiannual Financial Framework (MFF) 2014-2020, annexed to its resolution of 1 December 2011 on External actions: financing instrument for cooperation with industrialised and other high-income countries and territories⁵,
- having regard to Articles 3 and 21 of the Treaty on European Union,
- having regard to Article 207 of the Treaty on the Functioning of the European Union,
- having regard to the European Union's Guidelines on Human Rights,
- having regard to its resolution of 17 June 2010 on implementation of Council Regulation (EC) No 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment⁶,
- having regard to its resolution of 7 October 2010 on the World Day against the death penalty⁷,
- having regard to its resolution of 16 December 2010 on the Annual Report on Human Rights in the World 2009 and the European Union's policy on the matter⁸,
- having regard to the adoption by the Committee of Ministers of the Council of Europe on 7 April 2011 of the Convention on preventing and combating violence against women and domestic violence,
- having regard to UN General Assembly resolution 65/208 of 21 December 2010 on Extrajudicial, summary or arbitrary executions,
- having regard to the Communication from the Commission to the European Parliament,

¹ Texts adopted, P7_TA(2010)0446.

² Texts adopted, P7_TA(2011)0260.

³ Texts adopted, P7_TA(2011)0334.

⁴ Texts adopted, P7_TA(2010)0127.

⁵ Texts adopted, P7_TA(2011)0533.

⁶ Texts adopted, P7_TA(2010)0236.

⁷ Texts adopted, P7_TA(2010)0351.

⁸ Texts adopted, P7_TA(2010)0489.

the Council, the European Economic and Social Committee and the Committee of the Regions of 13 October 2011 on Increasing the impact of EU Development Policy: an Agenda for Change (COM(2011)0637),

- having regard to United Nations Security Council resolutions 1325, 1820, 1888, 1889 and 1960 on women, peace and security,
- having regard to United Nations General Assembly resolution 65/276 of 3 May 2011 on Participation of the European Union in the work of the United Nations,
- having regard to the Commission Proposal for a Regulation of the European Parliament and of the Council of 7 December 2011 establishing common rules and procedures for the implementation of the Union's instruments for external action (COM(2011)0842),
- having regard to the Commission Proposal for a Regulation of the European Parliament and of the Council of 7 December 2011 establishing a financing instrument for the promotion of democracy and human rights worldwide (COM(2011)0844),
- having regard to its resolution of 14 December 2011 on the review of the European Neighbourhood Policy¹,
- having regard to the Joint Communication by the High Representative of the Union for Foreign Affairs and Security Policy and the Commission to the European Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of 8 March 2011 on A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean (COM(2011)0200),
- having regard to the Joint Communication of the High Representative of the Union for Foreign Affairs and Security Policy and the Commission of 25 May 2011 on A new response to a changing Neighbourhood (COM(2011)0303),
- having regard to the European Commission Communication 'A renewed EU strategy 2011-2014 for Corporate Social Responsibility' (COM(2011)0681) and the 'Study of the Legal Framework on Human Rights and the Environment Applicable to European Enterprises Operating Outside the European Union' carried out by the University of Edinburgh in October 2010,
- having regard to its resolution of 25 November 2010 on human rights and social and environmental standards in international trade agreements²,
- having regard to the 16 May 2011 Report of the UN Special Rapporteur (A/HRC/17/27) on the promotion and protection of the right to freedom of opinion and expression, which underlines the applicability of international human rights norms and standards on the right to freedom of opinion and expression to the Internet as a communication medium,
- having regard to its resolution of 11 May 2011 on the development of the common

¹ Texts adopted, P7_TA(2011)0576.

² Texts adopted, P7_TA(2010)0434.

security and defence policy following the entry into force of the Lisbon Treaty¹,

- having regard to the Universal Declaration of Human Rights and to all relevant international human rights instruments,
 - having regard to the United Nations Charter,
 - having regard to all United Nations human rights conventions and optional protocols thereto²,
 - having regard to the UN Declaration on the Rights of Indigenous Peoples,
 - having regard to the European Convention on Human Rights and the ongoing negotiations on the EU's accession to the Convention,
 - having regard to the Charter of Fundamental Rights of the European Union³,
 - having regard to Rules 48 and 119(2) of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on Development and the Committee on Women's Rights and Gender Equality (A7-0000/2012),
- A. whereas the founding Treaties commit the Union to having its external actions guided by the principles of democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law;
- B. whereas justice and the rule of law are pillars of sustainable peace, guaranteeing human rights and fundamental freedoms; whereas the Rome Statute of the ICC makes a decisive contribution to the upholding of human rights, to international law and to the fight against impunity;
- C. whereas democracy is the best safeguard of human rights, tolerance and equality;
- D. whereas freedom of opinion and expression without the risk of state punishment is a universal right, for which the availability of diverse sources of information is a necessary part;
- E. whereas human rights defenders are crucial actors when it comes to the protection and promotion of human rights and the consolidation of democracy;
- F. whereas lessons must be learned from the European Union's past failures in promoting

¹ Texts adopted, P7_TA(2011)0228.

² UN Convention against Torture; UN Convention on the Rights of the Child; UN Convention on the elimination of all forms of discrimination against women; UN Convention on the Rights of Persons with Disabilities; International Convention for the Protection of All Persons from Enforced Disappearance.

³ OJ C 303, 14.12.2007, p. 1.

transition in countries with authoritarian regimes in particular where stability and security concerns have compromised a principled policy of promoting democracy and human rights;

- G. whereas 2010 marked the 10th anniversary of United Nations Security Council resolution (UNSCR) 1325 on women, peace and security;
- H. whereas the EU Annual Report on Human Rights and Democracy in the World in 2010 provides a general overview of EU policy on the matter;
- I. whereas this resolution sets out to examine, evaluate and, where appropriate, offer constructive criticism of the human rights activities of the Commission, the Council, the High Representative and the European External Action Service and the overall activities of the Parliament, with a view to scrutinising EU action and to delivering an input to the review of the Union's policy on the matter;

General Points

1. Stresses that for the European Union (EU) to be a credible actor in external relations, it must act consistently, in accordance with Treaty and acquis obligations and avoid double standards between its human rights policy and other external policies, between internal and external policies, and in the conduct of its relations with third countries;
2. Stresses, too, that the Union's policies must not only be consistent, but also exemplary, in order to maximise its moral authority globally; insists that a clear indication that the recommendations made in the 2007 Fava report on the transportation and illegal detention of prisoners will be implemented, and welcomes the initiative to draw up a follow-up Parliamentary report;
3. Believes that the recast of the asylum directives should put an end to continuing concerns about human rights breaches, as well as allegations of double standards by EU Member States in this area; maintains that the Member States should provide correlation tables for the pertinent provisions of the directives, in order to allow for proper scrutiny of their implementation; stresses that the difficult exercise of developing a common policy presents an opportunity to build on best practice; underlines the role to be played by the European Asylum Support Office (EASO);
4. Encourages the negotiations on the EU's accession to the European Convention on Human Rights, and deplores the obstructionist attitude of some EU Member States, notably France and the United Kingdom;
5. Welcomes the development of Country Strategy Papers on human rights and stresses that these should also cover democratisation; calls for their prompt implementation through action plans to complement these strategies, based on analyses of the situation and needs in each country and making full use of the EU's relevant instruments; reiterates its call for the Country Strategy Papers to be made available to Parliament;
6. Emphasises the crucial role played by civil society in the protection and promotion of democracy and human rights; stresses that EU contacts with civil society should be built

on a genuine partnership, including systematic and regular dialogue on an equal footing;

The 2010 EU Annual Report

7. Stresses the importance of the EU Annual Report on Human Rights and Democracy in the analysis and evaluation of the EU's policy on the matter; notes with regret that the High Representative/Vice-President of the Commission (HR/VP) and/or the European External Action Service (EEAS) did not present the report to the plenary at all this year, unlike the previous year, and very strongly encourages the HR/VP to present future such reports to Parliament and in timely fashion;
8. Regrets the largely descriptive nature of the Annual Report and the excessive focus on one-off actions; reiterates its request that a more systematic approach be provided, including the use of indices and benchmarks for individual countries, and that performance against these targets be analysed in the Annual Report, in order to facilitate a substantiated assessment of performance;
9. Welcomes the comprehensive section on violence against women in this year's Annual Report; recognises the priority given to support efforts towards the worldwide abolition of the death penalty and to judicial reform issues; endorses the HR/VP's practical focus on EU action in international forums;
10. Invites the HR/VP in her drafting of future Annual Reports to consult actively and systematically with Parliament, and to report on the way that Parliament's resolutions have been taken into account;

Mainstreaming

11. Warmly welcomes the HR/VP's statement to Parliament on 13 December 2011 following up on Parliament's long-standing call for the creation of an EU Special Representative on Human Rights; endorses her view that this would 'act as a catalyst and raise our profile internationally', and urges the creation of this function forthwith; calls for the post-holder to be expert in, and represent the HR/VP in relation to, international humanitarian law and international justice;
12. Considers it vital that international agreements do not contradict the EU's commitment to fundamental rights; proposes that human rights impact assessments be undertaken during the negotiation stage, to be followed up by regular progress reports comprising the assessments made by the EU institutions and services responsible for implementation and evaluations provided by local and international civil society organisations as part of institutionalised civil society monitoring mechanisms;
13. Recommends that, to move beyond general ideas of mainstreaming, a set of practical measures be drawn up which must be binding on all EU officials working externally; stresses that training on human rights must be compulsory across the EEAS and relevant parts of the Commission; recommends that tasks pertaining to mainstreaming be incorporated into officials' job descriptions as part of the yearly staff evaluation;
14. Stresses that the mainstreaming of international justice must include systematically taking

account of the fight against impunity in the broader context of trade, development and rule-of-law assistance; stresses that victims must be the central concern; recommends that the Rome Statute of the ICC be added to the package of international treaties on good governance and the rule of law to be ratified by third countries admitted to the System of Generalised Preferences Plus (GSP+); recommends the consistent inclusion of ICC clauses in EU agreements with third countries;

EU action in the context of the United Nations

15. Welcomes the adoption by the UN General Assembly of resolution 65/276 on the participation of the EU in the work of the UN as a modest start to a greater endeavour to upgrade the EU role in the organisation; stresses that speaking with one voice should not come at the expense of human rights concerns and, on the contrary, considers that the EU must now vigorously insist on exercising its rights and put its enhanced status to work in order to pursue an ambitious human rights strategy;
16. Welcomes the constructive role played by the EU in the reform of the Human Rights Council (HRC), in particular its total support for the independence of the Office of the High Commissioner for Human Rights, its defence of the role of Special Procedures, country mandates and the indivisibility of all human rights; recommends that the EU and its Member States state their clear opposition to the practice of regional groups putting forward 'clean slates' for elections to the HRC; welcomes the first complete cycle of the Universal Periodic Review (UPR), and recommends that EU Member States lead by example, building on from the first round input following consultations at national level; endorses the inclusion of follow-up to the UPR on the agenda of EU human rights dialogues with third countries and in Country Strategy Papers;
17. Stresses the fact that in order to attract a consensus on more of its proposals at the HRC, the EU's capacity for outreach must be improved as a matter of urgency, including through enlisting the support of the HR/VP to lobby capitals in third countries in support of EU positions; welcomes the more strategic, medium-term approach to the preparation of HRC sessions being taken within the Human Rights Working Group of the Council (COHOM);

EU policy on the International Criminal Court (ICC) and the fight against impunity

18. Welcomes the updating of the EU's policy on the ICC through the Council Decision of 21 March 2011 and the revision of the EU Action Plan on the ICC; encourages the EU and its Member States to adopt a set of internal guidelines outlining a code of conduct for contacts with persons wanted by the ICC; calls on all Member States (notably the Republic of Cyprus, the Czech Republic, Hungary, Italy, Luxembourg and Portugal) to sign framework agreements with the ICC in order to facilitate cooperation and to fully integrate the Rome Statute into national legislation;
19. Welcomes the adoption at the Kampala Review Conference of amendments to the Rome Statute related to the crime of aggression and certain war crimes, and calls on all EU Member States to promptly ratify these substantive amendments and to implement them as part of their domestic penal systems; welcomes the EU's pledges in particular on the fight against impunity as a core value to be shared with our partners when entering into

agreements, and calls for their consistent implementation;

20. Recommends that the EU systematically promote respect for, cooperation with and assistance to the ICC within the framework of the Cotonou Agreement and of dialogues between the EU and regional organisations and third countries;
21. Welcomes the EU's and Member States' financial and logistical support for the ICC, and recommends it be maintained; expresses its deep concern over the outcome of the budget discussions at the December 2011 session of the Assembly of State Parties, which threatens to leave the Court underfunded and thus undermines its ability to deliver justice and to respond to new situations; calls on the EU and its Member States to show robust support for the functioning of the Court;

EU policies to support democratisation

22. Reiterates its conviction that all EU external actions must combine a development dimension which focuses on socio-economic progress for all based on sustainable development, and a political dimension which supports pluralism, democracy and respect for human rights;
23. Considers that the EU should only grant partner countries advanced status if clear human rights and democracy requirements are met;
24. Calls for systematic support for new, freely and fairly elected parliaments, especially in countries in transition and those to which the EU has sent election observation missions; considers that such support should be financed by the European Instrument for Democracy and Human Rights (EIDHR) and geographic instruments;
25. Takes note of the plans to establish a European Endowment for Democracy (EED); underlines the Endowment's potential function as a flexible and expert tool to support actors striving for democratic change in non-democratic countries and countries in transition; urges the Council to ensure that any such tool complements the activities of existing instruments, in particular the EIDHR; stresses that the EU's contribution to the EED budget must be genuinely additional and must be delivered in full conformity with financial rules, respecting the right of the budgetary authority to monitor and scrutinise;

Election support

26. Stresses the importance of a political support process not simply focussed on the period immediately before and after elections, but based on continuity; welcomes the HR/VP's attention to 'deep democracy', which links democratic processes with human rights, freedom of expression and association, the rule of law and good governance;
27. Stresses again the importance of choosing priority countries for election observation missions on the basis of a mission's potential for impact on the promotion of genuine long-term democratisation, such as Sudan, Ukraine and Kyrgyzstan in 2010;
28. Calls upon the Council and the Commission to develop a political strategy in relation to each EU election observation mission, followed up by an assessment of democratic

progress two years after the mission, to be submitted during Parliament's annual human rights debate with the HR/VP;

29. Stresses the importance, at the end of each election observation mission, of drawing up realistic and achievable recommendations, with the dissemination and monitoring of these recommendations to be carried out by EU Delegations; considers that Parliament's standing delegations and the joint parliamentary assemblies should play an enhanced role in following up these recommendations and analysing progress with regard to human rights and democracy;

Human rights dialogues and consultations with third countries

30. Stresses that participation in a structured human rights dialogue, while welcomed, is too often used as a pretext to avoid discussion of these issues at higher political levels including partner summits; calls on all EU institutions to make greater efforts to integrate these dialogues in all in-country EU external actions;
31. Expresses, therefore, its disappointment at the lack of progress achieved in a number of human rights dialogues (which now number over forty) and takes note of the view expressed in some quarters that, in certain cases, EU human rights consultations are being instrumentalised and have become a process rather than a means to achieve measurable, tangible results;
32. Regrets that the post-dialogue/consultation assessments undertaken have not led to the development of clear performance indicators or benchmarks; urges that objectives be set in advance of, and evaluated immediately after, each dialogue or consultation, in a transparent manner and involving the widest possible stakeholders; stresses that the conclusions of these assessments must be fed into summit meetings and other contacts between the EU and its partners, and must inform the EU and its Member States' actions in other bi- and multilateral settings;
33. Is disappointed to note that only a limited number of assessments have been carried out and on an irregular basis despite the Guidelines stipulation that the dialogues 'must preferably be assessed every other year'; strongly regrets that there has been no systematic involvement of the European Parliament in the assessments to date, including for Russia and China; calls for a formalisation of access for the European Parliament to these assessments and a guarantee that this will be carried out in the most open and transparent way possible; recalls that the Guidelines state that 'civil society will be involved in this assessment exercise', and considers that the implementation of this commitment requires the establishment of a concrete mechanism to that effect;

Human rights and democracy clauses

34. Calls for all contractual relationships with third countries, both industrialised and developing, and including sectoral agreements, trade and technical or financial aid agreements, to include clearly worded clauses on human rights and democracy, without exception;
35. Stresses that the application of the clause as it currently stands , for example with the

Colombia/Peru Free Trade Agreements (FTAs) due to come before Parliament, provides an opportunity for the European Parliament itself to explore the potential for setting human rights benchmarks in advance of ratification, in order to achieve concrete and verifiable progress in respect for human rights; encourages the Commission to draft a new 'model clause' referring to the parties' international obligations, comprising a procedure for consultation and specifying political and legal mechanisms to be used in the event of a request for cooperation to be suspended on the grounds of repeated or systemic human rights violations in breach of international law; recommends that a clear system of sanctions short of suspension be developed; insists strongly on the need for Parliament to be a joint decision-maker with the Commission and the Council in this respect;

36. Emphasises the need to ensure effective monitoring of the implementation of commitments made as regards respect for and promotion of human rights and democratic principles; calls for the use of impact studies on human rights and democracy, in addition to the existing ones on sustainable development, and for the assessments and conclusions contained therein to be taken into account in negotiations and reflected in the final agreements;

Trade and human rights

37. Expects a comprehensive social and environmental chapter in all future Free Trade Agreements and, in the context of negotiations currently underway, regrets the objections to this principle expressed by some of the partners, such as India and Canada; calls for the chapter on sustainable development in agreements to be strengthened through the inclusion of a complaints procedure open to the social partners and civil society, the establishment of an independent body to settle pertinent disputes and the possibility of recourse to a dispute settlement mechanism with provision for fines and the suspension of trade benefits in the event of an aggravated breach of the environmental and labour standards concerned, equivalent to mechanisms for market access provisions;

European Neighbourhood Policy (ENP)

38. Considers that the 'Arab Spring' has served to demonstrate the inadequacy of the EU's policies hitherto to effectively support people's strong desire for accountable and representative government in countries where this is denied; welcomes therefore the Joint Communications by the Commission and the HR/VP on 'A new response to a changing Neighbourhood' and 'A partnership for democracy and shared prosperity with the Southern Mediterranean', and the approach taken of shared commitments and mutual accountability, stronger conditionality, differentiation of policies, the advancing of multilateral and sub-regional cooperation and the principle of further involving civil society;
39. Reiterates its view that a performance-based 'more for more' approach also implies 'less for less'; insists that differentiation should be based on clearly defined criteria and regularly monitored benchmarks and proposes that the benchmarks laid down in the Communications be considered as objectives, to be complemented by more specific, measurable, achievable, time-bound benchmarks; calls on the EEAS and the Commission to provide a clear and adequate methodology to assess the record of the ENP countries concerning respect for and promotion of democracy and human rights, to deliver regular

reports to form the basis for the allocation of funds under the ‘more for more’ approach, and to include these evaluations in the annual progress reports;

40. Emphasises the crucial importance of active civil society participation in and contribution to processes of governance, and insists that, in future, civil society must be engaged so as to contribute directly through an institutionalised ‘civil society monitoring mechanism’;
41. Is deeply concerned that four European Neighbourhood partner countries have not signed the Optional Protocol Against Torture, eleven countries have not ratified it, and a further fourteen have not designated the national preventative measures required; calls for urgent EU action to address this shortfall;

External financial instruments, in particular the EIDHR

42. Notes that, while there have been strong EU policy statements in favour of human rights, a dilution has been observed downstream in the programming cycle whereby human rights pledges disappear from specific instruments and country sectoral allocations; observes that unfortunately human rights and democracy have sometimes been ‘ghettoised’ into the EIDHR to the detriment of mainstreaming throughout all instruments;
43. Welcomes the Commission’s Communication on an Agenda for Change and its emphasis on the intertwined nature of the objectives of development, democracy, human rights, good governance and security; welcomes the enhanced focus on partner countries’ commitments in determining the mix of instruments and modalities at country level; welcomes the translation of this policy into the Commission’s Communication on The Future Approach to Budget Support to Third Countries, which states that general budget support will only be provided when partner countries commit to meeting international human rights and democracy standards; calls on the Commission and the EEAS to translate this policy framework into concrete, operational, time-bound and measurable activities, mainstreamed throughout the different areas of cooperation and accompanied by the necessary strengthening of institutional frameworks and administrative capacities;
44. Notes that, in order to maximise coherence and effectiveness, a strategic approach is needed to combining different geographic and thematic instruments to protect and promote human rights, based on a solid analysis of the local context; welcomes, in this respect, the commitment given in the 12 December 2011 Joint Communication on Human Rights and Democracy at the Heart of EU External Action: Towards a More Effective Approach to take the human rights country strategies into account in the programming and implementing cycles of the EU’s assistance, and invites the HR/VP to draw up a more detailed methodology to implement this commitment;
45. Welcomes the Commission’s proposals on the instruments for external action post-2014, in particular the focus on the need to introduce simplified and flexible decision-making procedures that will allow for a swifter adoption of implementing annual action programmes and thus of delivery of assistance; values the extensive consultations being undertaken within civil society and trusts that the final documents will reflect the concerns raised by all stakeholders;
46. Welcomes the clearer definition of the objectives of the EIDHR and its updated scope

which reflects the stronger focus on economic, social and cultural rights, on freedom of thought and on democracy support; appreciates the new possibility to directly award grants to finance actions in the most difficult conditions or situations, or to enhance support for human rights defenders and non-registered organisations;

47. Underlines the fact that Parliament's prerogatives must be respected in the programming of the EIDHR and, accordingly, firmly maintains that the Strategy Papers for the EIDHR cannot be regarded as implementing acts and must be adopted in accordance with the procedure set out in Article 290 TFEU on delegated acts;

Death penalty

48. Welcomes the successful result of UN General Assembly resolution 65/206 of 21 December 2010 on a moratorium on the use of the death penalty and the important role played by the EU in securing this victory; looks forward to a strong partnership with Member States and the EEAS on the 2012 General Assembly resolution;
49. Calls on the HR/VP, the EEAS and the Commission to provide guidance on a comprehensive policy with regard to EU citizens facing execution in third countries, including strong mechanisms regarding identification, delivery of legal assistance and EU legal intervention;

Arms Control

50. Notes that 60% of all individual cases of human rights violations and abuses both within and outside of armed conflict documented by Amnesty International have directly involved the use of small arms and light weapons; commends the global leadership shown by the EU in adopting a legally binding common position on arms exports in 2008, but notes the need for further attention to monitoring its implementation at EU level; urges the EU to maintain a strong position on an international Arms Trade Treaty at this year's UN Conference and to ensure that a robust, legally binding treaty is agreed;

Torture and other cruel, inhuman and degrading treatment or punishment

51. Calls on all Member States which have not yet done so to ratify the Optional Protocol to the UN Convention against Torture, so as to enhance the consistency of internal and external policies;
52. Calls again on the Commission to insert into Council Regulation (EC) No 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, a 'torture end-use' clause, enabling Member States, on the basis of prior information, to license and thus refuse the export of any items which pose a substantial risk of being used to these ends by their destined end-users;

Human rights defenders

53. Welcomes the EU's political commitment to supporting human rights defenders and the many positive examples of demarches, trial observations, prison visits, and other concrete

actions undertaken by EU missions and delegations, but remains concerned at the lack of implementation of the EU Guidelines on Human Rights Defenders in some third countries; considers that the HR/VP should make recommendations for enhanced action to those missions where implementation has been noticeably weak;

54. Stresses the importance of systematic follow up to contacts with independent civil society, as well as more direct and easier access for human rights defenders to EU Delegations in third countries; welcomes the appointment of liaison officers, in the Delegations and/or in Member State embassies, for human rights defenders, and stresses that these should be experienced and appropriately trained officials whose functions are well-publicised both internally and externally; very much welcomes the fact that the HR/VP has indicated that she will always meet with human rights defenders in the course of her visits to third countries and calls for this practice to be followed by all Commissioners with responsibilities in the external relations field, and for reports on these contacts to be made available to Parliament;
55. Reiterates its call for greater inter-institutional cooperation on human rights defenders; considers that the EU's response capacity and the coherence between the actions of the different institutions on urgent crises for human rights defenders would be well served by a shared alert system based on focal points, and encourages the Council and Commission to explore this avenue further;

Gender

56. Highlights the distinctive roles, experiences and contributions of women in the context of peace and security; condemns the use of sexual violence in countries such as the Democratic Republic of Congo (DRC), and calls for zero tolerance for its perpetrators, particularly among military and police forces in EU-mandated missions and operations;
57. Welcomes the fact that the EU is a front-runner in the implementation of UNSCR 1325 and accompanying resolutions; urges the Council, the Commission and the EEAS to step up efforts to bridge the gap between policy and practice, and urges Member States which have not yet adopted National Action Plans to do so as a matter of urgency;
58. Welcomes the indefatigable championing of women's empowerment by the HR/VP and calls on her to institutionalise the EU Inter-institutional Informal Task Force on Women, Peace and Security (WPS) by providing it with a full-time chair, who will also act as the gender focal point in the EEAS, as part of allocating adequate human and financial resources to its task;
59. Calls on the HR/VP to promote equal opportunities in the EEAS, as set out in the Staff Regulations; urges the HR/VP and the Member States to propose high-level women candidates for leadership functions in the EEAS and Common Security and Defence Policy (CSDP) missions; welcomes the progress made in the context of CSDP missions in the appointment of Gender Advisors in almost all missions and in providing in-mission training; calls on the Council to include a reference to UNSCR 1325 in Council decisions establishing mission mandates; recommends that Member States provide all military and seconded civilian staff with standardised gender training modules prior to the missions;

60. Welcomes the adoption of the landmark Convention by the Council of Europe on preventing and combating violence against women and domestic violence, creating a comprehensive framework to prevent violence, protect victims and end impunity, and calls on all Member States to quickly sign and ratify this Convention;
61. Strongly condemns female genital mutilation (FGM) as a barbarian breach of the bodily integrity of women and girls; firmly rejects any reference to cultural, traditional or religious practice as a mitigating factor; urges the Commission to pay specific attention to such traditional harmful practices in its strategy to combat violence against women;
62. Calls on the Council to include the issue of ‘forced marriages’ in the EU guidelines on violence against women and girls; encourages the Commission and the Council to develop data-gathering methods and indicators on this phenomenon, and encourages the EEAS to include this issue in the development and implementation of the human rights country strategies; requests that Member States consider a common definition, the establishment of national action plans, and the exchange of good practices;

Discrimination

63. Urges the Council and Commission to develop a toolkit on the advancement of the right to freedom of religion or belief in the EU’s external policy, including mechanisms to identify infringements, and to involve civil society organisations in its preparation; welcomes the EU’s action in various UN forums against intolerance and discrimination based on religion or belief and its unwavering and principled stance against the resolutions on combating defamation of religions; stresses in particular the importance of engaging in a constructive dialogue with the Organisation of the Islamic Conference (OIC) on this issue;
64. Commends the Council, the EEAS, the HR/VP, the Commission and Member States on their engagement in favour of LGBT people’s human rights in bilateral relations with third countries, in multilateral fora, and through the EIDHR; welcomes the reintroduction of sexual orientation as a ground for protection from extrajudicial, summary or arbitrary executions by the UNGA, and welcomes EU efforts to this end; calls on the Commission to advocate the withdrawal of gender identity from the list of mental and behavioural disorders in the negotiations on the 11th version of the International Classification of Diseases (ICD-11) and to seek a non-pathologising reclassification; reasserts that the principle of non-discrimination, including on grounds of sex and sexual orientation, must not be compromised in the ACP-EU partnership; reiterates its request that the Commission produce a comprehensive roadmap against homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity, also addressing human rights violations on these grounds in the world; calls on EU Member States to grant asylum to people fleeing persecution in countries where LGBT people are criminalised, taking into consideration applicants’ well-founded fears of persecution and relying on their self-identification as lesbian, gay, bisexual or transgender;
65. Condemns all forms of human rights violations committed against people discriminated against on the basis of work and descent, and the limited access to justice for victims; calls on the EU and its Member States to endorse the draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent;

66. Calls on the EU to encourage governments of developing countries to commit to land reform where relevant in order to secure the land titles of indigenous people, especially women, and to prevent land-grabbing practices by corporations; stresses that it is necessary to protect the land, tenancy and land use rights of small local farmers and the access of local communities to natural resources; urges the EU to assert the right of access to natural resources, in particular for native and indigenous peoples, in the negotiation of trade agreements;
67. Draws attention to the serious problem that exists in several countries in sub-Saharan Africa of children being accused of witchcraft, resulting in grave consequences ranging from social exclusion to infanticide; notes that the State has a responsibility to protect children from abuse and, consequently, urges the EEAS to pay particular attention to the fate of these children in the human rights dialogues with the governments of the countries concerned and in the programming of the external financial instruments;

Freedom of expression and (social) media

68. Stresses that freedom of expression and media independence and pluralism are essential elements of a sustainable democracy, maximising the involvement of civil society and empowering citizens; calls therefore for increased support in the areas of promoting the freedom of media, protecting independent journalists, reducing the digital divide and facilitating Internet access;
69. Notes that the Internet has become one of the most important vehicles through which individuals exercise their right to freedom of opinion and expression, and that it has played a crucial role in promoting human rights, democratic participation, accountability, transparency and economic development;
70. Welcomes the Commission initiative on the 'No Disconnection Strategy'; invites the Commission to submit a proposal for regulating the export of products and services aimed at blocking websites, filtering search results, and intimidating internet users including human rights defenders; believes telecommunications and internet service providers must learn the lessons of past mistakes, such as Vodafone's decision to give in to demands from the Egyptian authorities in the last weeks of the Mubarak regime to suspend services and to disseminate pro-government propaganda;
71. Considers Google's decision to reconsider its business in China as a positive example of the difficult decisions involved for ICT companies where human rights, in particular freedom of expression and the right to privacy, are at risk; invites ICT companies, in the wake of the Arab Spring, to integrate risk assessment procedures into their corporate strategies;
72. Notes that new technologies also allow witnesses and human rights defenders to collect information which may later be used to secure justice for victims; calls on the EU to work with the Global Network Initiative to support the development and dissemination of digital security technologies to empower human rights defenders through secure collection, encryption and storage mechanisms for such sensitive records and the use of 'cloud' technology to ensure such material cannot be discovered and deleted; calls in particular on the Commission to examine and support the development of open-source

technologies such as that developed by the Martus Project supported by the US State Department;

Business and human rights

73. Recalls that the EU has set itself the objective of promoting Corporate Social Responsibility (CSR) in its external policies and welcomes the call to better align European and global approaches to CSR;
74. Commends the EU for its support for the development of UN Guiding Principles on Business and Human Rights and their unanimous adoption in the Human Rights Council; welcomes the inaugural meeting of the Working Group on Business and Human Rights held on 16 – 20 January 2012, and calls for the EU to further support and contribute to the mandate of this body;
75. Welcomes the EU commitment to work with enterprises and stakeholders in 2012 to develop human rights guidance for industrial sectors and SMEs, based on the UN Guiding Principles; calls on the Commission to bring forward its commitment to publish, by the end of 2012, a report on EU priorities in the implementation of the Principles, and thereafter to issue periodic progress reports; insists that all European enterprises should meet the corporate responsibility to respect human rights, as defined in the UN Guiding Principles; calls on EU Member States to develop, by the end of 2012, national plans for their implementation;
76. Believes that disclosure by large companies of social and environmental information, including human rights impacts, is vital to transparency; welcomes the aim of the International Integrated Reporting Council (IIRC) to develop a globally accepted integrated reporting framework;
77. Welcomes the ‘Edinburgh’ study commissioned by DG Enterprise on governance gaps in the EU on business and human rights, and calls on the Commission to bring forward legislative proposals in response; calls in particular on the EU to ensure that victims of corporate abuses in third countries by EU companies have access to grievance and justice mechanisms in EU Member States, such as in the recent Trafigura case;
78. Takes note of the fact that transnational corporations increasingly rely on private military and security companies (PMSCs), which on occasion has given rise to human rights violations perpetrated by PMSC employees; considers that the adoption of EU regulatory measures, including a comprehensive normative system for the establishment, registration, licensing, monitoring and reporting by such companies, is necessary; calls on the Commission to propose a Recommendation paving the way for a Directive aimed at harmonising national measures regulating PMSC services, including service providers and the procurement of services, and the drafting of a Code of Conduct paving the way for a Decision regulating the export of PMSC services to third states; calls for detailed information to be provided by the HR/VP to the European Parliament on the hiring of PMSCs on CSDP and Common Foreign and Security Policy (CFSP) missions, specifying professional requirements and corporate standards demanded of contractors, applicable regulations, legal responsibilities and obligations imposed upon them and monitoring mechanisms;

Enhancing the European Parliament's actions on human rights

79. Reiterates its appeal to the Council and the Commission to systematically take up Parliament's resolutions and other communications, responding in a substantive manner;
80. Recognises the need for human rights concerns to be mainstreamed through the work of all parliamentary committees and delegations dealing with external relations; recommends that Members of the European Parliament systematically meet with human rights defenders during official missions to third countries to provide the latter with greater visibility; welcomes the decision to augment the resources available to the Subcommittee on Human Rights in the light of the changes arising from the Treaty of Lisbon;
81. Welcomes the decision taken by its Bureau on 12 December 2011 to set up a Directorate for Democracy Support within the DG for External Policies to streamline and give coherence to Parliament's work on democracy promotion;

The European Union's strategic human rights policy

General

82. Warmly welcomes the review of the EU's human rights and democratisation policy, outlined in the Joint Communication of 12 December 2012, as a positive overview of EU potential; calls on EU Member States to fully engage in the process and apply its outcome in their national actions as well as at European level;
83. Supports the fact that the Communication is anchored in the concepts of the universality and indivisibility of human rights and that the Communication centres EU action on promoting adherence to third countries' existing commitments and obligations under international human rights and humanitarian law and seeks to strengthen the system of international justice;
84. Acknowledges, in the wake of the Arab Spring, the focus on 'bottom up' tailor-made approaches and the need to move respect for human rights to the centre of EU foreign policy; considers that the EU must learn from past mistakes epitomised by the fact that right up to the outbreak of civil war in Libya, negotiations were underway on a framework agreement with Libya, despite evidence of the murder of 1 200 prisoners over a decade before and a litany of torture, enforced disappearances and extrajudicial executions;

Process

85. Calls now for swift, transparent and inclusive progress to be made towards an ambitious final EU common strategy with clear actions, timetables and responsibilities and developed with full stakeholder input to put the 'silver thread' into action; commits to contribute positively along with the Council to this inter-institutional process, initially through this resolution and then through a later parliamentary resolution; considers that this process should conclude with the institutions coming together to adopt a common strategy which clearly delineates each institution's role and responsibilities and which continuously evaluates implementation, including in relation to the guidelines;

86. Considers that certain actions raised within the Communication should be advanced in parallel to the progress towards an overarching strategy, namely the appointment of an EU Special Representative on Human Rights with a high public profile and international experience in the promotion of international human rights; the establishment of a permanent Brussels-based COHOM which should routinely agree conclusions on the human rights situation in specific countries following Human Rights Dialogues; and the setting of a timetable for the completion of EU Delegation human rights focal points and for the identification of human rights defender liaison officers in all third countries;

Content

87. Welcomes the importance given to Human Rights Country Strategies in the Communication; believes there should be a common initial template to ensure a level of consistency and that consultation be required in all cases; stresses that the potential value of the strategies will only be fulfilled if their importance is recognised across the spectrum of bilateral relations with the individual countries and if they are flexible enough to react consistently to evolving human rights situations;

88. Supports the HR/VP's personal proposal for three themes for specific collective action by institutions over the coming three years; seeks clear criteria for the current and future process by which such themes are chosen; seeks clarification on how these campaigns would enable progress in specific areas without prejudicing the EU's comprehensive commitment to all human rights obligations;

89. Stresses the importance given within the review to civil society as a genuine partner in the implementation of the EU's human rights strategy and not simply in delivering projects; recognises the particular importance of human rights defenders in this process; calls on the EU to recognise the full potential of the range of local actors to bring about human rights changes within a country and to provide a broad base of support for their work;

90. Supports the EU concept of 'deep democracy' developed by the High Representative; regrets that discrimination and gender equality criteria are not included within this concept; urges the EEAS to fully integrate anti-discrimination measures and benchmarks to ensure there is a clear focus on the issue of women's rights and equal political participation;

91. Points out that major challenges persist with regard to the inadequacy of existing Human Rights Dialogues and to the monitoring and implementation of human rights clauses; reaffirms that these clauses must also be included in all trade and sectoral agreements;

92. Shares the view that 'digital diplomacy' is a new and vibrant tool; calls on the EEAS to develop clear guidelines for its delegations on how best to utilise social media, and for the development of a regularly updated social media directory for EU actors;

93. Notes that just under half of the world's 100 largest economic actors today are private companies; congratulates the Commission on its ambitious and forward-looking 2011 Communication on CSR and its clear support for the development of the UN Guiding Principles on Business and Human Rights, both of which must be at the core of the new strategy;

94. Recognises that the Communication accepts the need for all counter-terrorism activities to be carried out in full compliance with international human rights, humanitarian and refugee law; stresses that this principle must form part of discussions on all new counter-terrorism measures within the EU and with partners in third countries; believes the EU must consistently raise with strategic partners all examples of non-compliant counter-terrorism measures and seek accountability for violations within and outside of the EU; reaffirms that the EU counter-terrorism policy should specifically reference the absolute prohibition of torture in the context of counter-terrorism, as recognised in the Council conclusions of 29 April 2008;
95. Applauds the recognition of the need to address human rights violations within Member States and to ensure the EU's compliance with its international obligations to cement EU credibility; calls on the Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons (FREMP) to be given a full mandate to examine where there are violations and to seek remedies;
96. Considers the fight against impunity to be an area for priority EU action; considers the updating of the EU's instruments on the ICC in 2011 to be a considerable advancement which must be reflected in a forward-looking EU human rights strategy;
97. Considers it part of building a real culture of human rights and democracy that there also be a clear review of the role played by geographical desk officers and Council working groups and what this strategy means for their day-to-day work;
98. Calls for a dramatically increased role for the European Parliament itself in promoting transparency and accountability for implementation of the EU human rights strategy; reiterates that the Annual Report produced by the Council does not in itself amount to an accountability mechanism; reiterates the recommendations on mainstreaming made by Parliament in its previous Annual Reports, and in the Political and Security Committee (PSC) paper of 1 June 2006 on mainstreaming human rights across CFSP and other EU policies, which have still not been fully implemented;

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99. Instructs its President to forward this resolution to the Council, the Commission, and the European External Action Service, to the governments and parliaments of the Member States and the candidate countries, to the United Nations, the Council of Europe and to the governments of the countries and territories referred to in this resolution.