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REPORT

on the development of the UN Human Rights Council, including the role of the EU
(2008/2201(INI))

Committee on Foreign Affairs

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the development of the UN Human Rights Council, including the role of the EU (2008/2201(INI))

The European Parliament,

- having regard to its previous resolutions on the United Nations Commission on Human Rights (UNCHR) since 1996, in particular its resolution of 16 March 2006 on the outcome of the negotiations on the Human Rights Council and on the 62nd session of the UNCHR¹, as well as those of 29 January 2004 on the relations between the European Union and the United Nations², of 9 June 2005 on the reform of the United Nations³, of 29 September 2005 on the outcome of the United Nations World Summit of 14-16 September 2005⁴, of 21 February 2008 on the seventh session of the United Nations Human Rights Council (UNHRC)⁵ and of 8 May 2008 on the Annual Report on Human Rights in the World 2007 and the European Union's policy on the matter⁶,
- having regard to its urgent resolutions on human rights and democracy,
- having regard to the UN Secretary-General's 2005 report entitled “In Larger Freedom”, the subsequent Resolution 60/1 of the UN General Assembly on the 2005 World Summit Outcome and the UN Secretary-General's report of 7 March 2006 entitled “Investing in the United Nations: for a stronger Organization worldwide”,
- having regard to United Nations General Assembly Resolution A/RES/60/251 establishing the UNHRC,
- having regard to the Declaration by the EU Presidency on behalf of the European Union of 16 March 2006 on the establishment of the UNHRC,
- having regard to the previous regular and special sessions of the UNHRC,
- having regard to the outcome of the work of the UNHRC's working groups on the complaints procedure, the Universal Periodic Review (UPR), the future system of expert advice, the agenda, the annual programme of work, working methods, the rules of procedure and the review of Special Procedures,
- having regard to the results of the third election of member states to the UNHRC held at the UN General Assembly on 21 May 2008,

¹ OJ C 291 E, 30.11.2006, p. 409.

² OJ C 96 E, 21.4.2004, p. 79.

³ OJ C 124 E, 25.5.2006, p. 549.

⁴ OJ C 227 E, 21.9.2006, p. 582.

⁵ Texts adopted, P6_TA(2008)0065.

⁶ Texts adopted, P6_TA(2008)0193.

- having regard to the results of the elections for the Presidency of the UNHRC held on 19 June 2008,
 - having regard to the first and second sessions of the UPR held from 7 to 18 April 2008 and from 5 to 16 May 2008,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A6-0498/2008),
- A. whereas respect for, and the promotion and safeguarding of, the universality of human rights is part of the European Union's legal *acquis* and one of the fundamental principles of the EU,
 - B. whereas the EU places human rights and democracy at the heart of its external relations, and whereas its foreign policy is based on strong and unequivocal support for effective multilateralism, as embodied in the UN Charter,
 - C. whereas the United Nations and the UNHRC constitute one of the most appropriate organisations to deal comprehensively with human rights issues and humanitarian challenges,
 - D. whereas the decision on establishment of the UNHRC has been generally welcomed as an initiative to rectify the shortcomings of the UNCHR and enhance the place of human rights within intergovernmental debates by setting up a quasi-standing body,
 - E. whereas the UNHRC set itself an ambitious programme for its first two years, which included the review of its procedures and working methods, in particular the development and implementation of the UPR of which two sessions have been held so far, reviewing 32 States, of which seven are EU Member States, and the review of Special Procedures,
 - F. whereas the EU has been a strong supporter and advocate of the establishment of the UNHRC, and whereas the EU and its Member States have committed and dedicated themselves to playing an active and visible role with a view to creating and supporting an effective body addressing contemporary human rights challenges,
 - G. whereas the EU strongly supported the establishment of reinforced majority and membership criteria for election to the UNHRC, which proposals have not been retained, and of procedures for the monitoring of the actual implementation of the UN member states' election pledges,
 - H. whereas, whilst limits to the EU's unity persist, due in particular to conflicting national interests and a persistent desire on the part of Member States to act independently at the UN, there is evidence that they act more cohesively in the UNHRC than they did in the UNCHR,
 - I. whereas the fact that EU Member States constitute a numerical minority within the UNHRC seriously obstructs the EU's ability to influence the agenda of the UNHRC and poses a serious challenge to the integration of EU positions in the work of the UNHRC;

- J. whereas the regrettable absence of the United States from the UNHRC has led to the need for the EU to strengthen its role as a leading force amongst democratic countries on human rights issues,
- K. whereas Parliament closely follows developments in the UNHRC, by sending regular delegations to its sessions and by inviting Special Rapporteurs and independent experts to contribute to its work on human rights,
- L. whereas the UNHRC's procedures and mechanisms are to be reviewed in 2011, as provided for by Resolution 60/251 of the General Assembly,

Overall assessment of the UNHRC's first two years

1. Welcomes the work carried out by the UNHRC so far and notes that the UNHRC has the potential to develop into a valuable framework for the European Union's multilateral human rights efforts; however, regrets that, during the first two years of its activities, the new body has not yet achieved more substantial progress in improving the United Nations' human rights record;
2. Welcomes the adoption by the UNHRC of important human rights standard-setting texts: the International Convention for the Protection of All Persons from Enforced Disappearances and the UN Declaration on the Rights of Indigenous Peoples, as well as the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; notes that the latter constitutes a landmark decision as it provides for an individual complaints procedure, thereby creating a mechanism enabling victims of violations of economic, social and cultural rights to present petitions at the international level; calls on the UN General Assembly to adopt the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and urges all States to ratify it rapidly;
3. Regrets the failure of the UNHRC to take action on many of the world's most urgent human rights situations, partly due to the growing reluctance on the part of numerous UNHRC States which oppose any consideration of country situations including through country resolutions, special sessions and Special Procedures country mandates on the grounds that this would allegedly politicise the UNHRC; reiterates the view that the UNHRC's ability to address country situations effectively is central to its authority and credibility;
4. Welcomes the fact that the procedure for elections to the UNHRC has made it possible to exclude from the UNHRC major human rights violators such as Iran and Belarus; regrets, nevertheless, that not all geographic groups have organised genuine procedures for elections concerning accession to the UNHRC; regrets that the system of voluntary pledges has had very disparate and inadequate results, enabling governments to shy away from their international human rights obligations; in this regard, is deeply concerned by the instrumental use of so-called commitments by some members and therefore reaffirms that full cooperation with Special Procedures should remain the bottom-line criterion for acceding to the UNHRC;

5. Regrets the growing division of the UNHRC into regional blocs; considers that this “bloc mentality” undermines its ability to deal effectively, impartially and objectively with human rights violations around the world, and that it could be the real cause of the bias, selectivity and weakness of the UNHRC;6. Recognises that a number of delegations in Geneva are insufficiently equipped to pursue human rights negotiations adequately and thus rely on group leaders to formulate their position; nevertheless, notes that this trend has been efficiently counterbalanced with regard to several key issues such as the code of conduct for Special Procedures and the situation in Darfur, notably within the Asian and African groups; emphasises at the same time that the positions adopted jointly by the EU together with the acceding countries have greatly contributed to the bloc mentality; asks the Commission to provide an annual report on voting patterns on human rights within the UN, analysing how these have been affected by the policies of the EU, of EU Member States and of other blocs;
7. Acknowledges that the broad membership of the UNHRC and the participation of many observer states ensures that virtually all countries are involved in its debates; considers, looking ahead to the 2011 review, that the possibility of opening up the UNHRC to universal membership could be explored, while a smaller composition could prove to be beneficial;
8. Acknowledges the ongoing discussion on the relationship between the UNHRC and the Third Committee of the General Assembly; recalls, in this connection, that the task of the Third Committee is to pass on within that body, which includes all UN member states, the main concerns of the UNHRC; considers that that body can also offset the UNHRC's shortcomings, just as the General Assembly does with regard to the decisions of the Security Council, which is an important element of complementarity between the UNHRC and the Third Committee; calls on the EU to reiterate its commitment to supporting the UNHRC and improving its effectiveness, as a unique platform specialising in universal human rights and a specific forum dealing with human rights within the UN system;
9. Expresses strong concern at the fact that the principle of the universality of human rights is being increasingly put at risk, as is illustrated in particular by the attempts on the part of certain countries to introduce limits to well-recognised human rights, such as freedom of expression, or to interpret human rights against a cultural, ideological or traditional background; calls on the EU to remain vigilant vis-à-vis these attempts and to strongly defend the principles of the universality, indivisibility and interdependence of human rights;

Special Procedures

10. Considers that the Special Procedures are at the core of the UN human rights machinery and stresses that the credibility and effectiveness of the UNHRC in the protection of human rights rests on cooperation with Special Procedures and their full implementation, as well as on the adoption of reforms that would strengthen their ability to address human rights violations;
11. Regards Special Procedures on country situations as an essential instrument for improving human rights on the ground; considers that the nature and frequency of the country reviews under the UPR cannot replace country mandates; consequently opposes the

attempts by certain countries to use the argument of “rationalisation” of Special Procedures in order to eliminate those mandates; deplores in this respect the termination of country mandates in respect of Belarus, the Democratic Republic of the Congo and Cuba, and the abolition of the Group of Experts on Darfur;

12. Notes the introduction of conditions for the suspension of the country mandate of Burundi; recognises the importance of defining an exit strategy for each of these country special procedures;
13. Condemns the efforts made by several UNHRC Members to limit the independence and efficiency of Special Procedures; notes in this respect the adoption on 18 June 2007 of a Code of Conduct for Special Procedures Mandate-Holders; calls on the UNHRC to implement that Code of Conduct in the spirit of the above-mentioned Resolution 60/251 and to respect the independence of Special Procedures;
14. Calls for the selection and nomination of appropriate special procedures mandate-holders to be improved, in particular by seeking ways and means to strengthen the existing roster of candidates within the Office of the High Commissioner for Human Rights (OHCHR) and reinforcing the independence of mandate-holders by reference to the candidates' experience and expertise, while paying due regard to geographical representation and gender balance;
15. Underlines the need for better follow-up to the findings and recommendations of Special Procedures, which could include the establishment of mechanisms to report on the implementation of recommendations;
16. Considers that the UPR is an instrument which complements the Special Procedures and presents an opportunity to make more effective use of their reports and to ensure increased cooperation and follow-up to their work;
17. Calls for continuous support to be given to Special Procedures in terms of finance and human resources;

Universal Periodic Review

18. Recognises the potential value of the UPR mechanism in improving the universality of the monitoring of human rights commitments and practices throughout the world by subjecting all UN Member States to equal treatment and scrutiny and opening up new opportunities for non-governmental organisations (NGOs) to enter into dialogue with particular States;
19. Welcomes the fact that the UPR has provided an incentive to many States to commit themselves to implementing their international obligations, following up on the conclusions and recommendations of Treaty bodies and Special Procedures, presenting overview reports to Treaty bodies, responding to outstanding requests for the invitation of Special Procedures and ratifying outstanding treaties and adopting national legislation aimed at ensuring compliance with obligations stemming from treaties to which they have signed up;

20. Regrets that these first two sessions have not entirely lived up to expectations with regard to an “objective, transparent, non-selective, constructive, non-confrontational and non-politicized” process¹;
21. Stresses that this objective can be achieved only if the review involves independent expertise at all stages of the review process and an effective, result-oriented follow-up mechanism;
22. Deplores the lack of focus on economic, social and cultural rights as well as the rights of minorities during the UPR process, and calls for increased attention to be given to these rights during the coming sessions, in line with the principle of the universality, indivisibility and interdependence of human rights;
23. Denounces the use of political alliances to shield certain States from scrutiny rather than to critically assess human rights conditions and protections, which seriously undermines the very purpose of the UPR; notes that this practice reached a dangerous level in the review of Tunisia, which contained declarations significantly contradicting independent experts' findings; notes, however, that that particular review did not seem to reflect a trend;
24. Welcomes the EU's decision not to make joint interventions in the country reviews but to ensure the complementarity of interventions so that the broad spectrum of issues may be raised; stresses in this respect the EU's attempts to break down the “bloc mentality” at the UNHRC by raising questions on each other's record; welcomes the level of engagement of EU Member States in reviews, including those relating to other EU Member States; encourages the EU to build further on the current model of “loose coordination”, and to ensure that all countries and all topics are covered by EU Member States in sufficient depth and that any repetition is avoided;
25. Expresses concern that, in several cases, the final report of the UPR and the interactive dialogue during the review did not reflect the information contained in the summary documents or even contradicted independent experts' findings, thus depriving the review process of its pertinence, and that the recommendations put forward in the reports of the Working Group were too vague and lacked any operational substance; calls on the members of the UPR Working Group to provide measurable, concrete, realistic and victim-oriented recommendations in its future reviews, based on information established by independent monitoring mechanisms or NGOs;
26. Regrets the non-binding character of UPR recommendations, which stems from the right that the UPR affords States to decide which recommendations they can accept; notes that in some cases, such as that of Sri Lanka, the percentage of accepted recommendations was low; considers, however, that not all recommendations may be valuable or in line with international human rights obligations; therefore considers that this shows that the UPR may prove not to be the most useful instrument in certain cases, and highlights the importance of independent monitoring mechanisms and findings in the UPR process by NGOs while maintaining UNCHR country mandates;

¹ UNHRC Resolution 5/1 of 18 June 2007.

27. Condemns the attempts made by certain Member States to censor contributions from NGOs; regrets the limited impact of NGO participation on the outcome decision, given the limited speaking time assigned to them for discussing the UPR report as well as the limited permitted scope of their interventions, which allows them to make general comments but not to re-open issues discussed in the Working Groups;
28. Regrets the lack of inclusive national consultations, involving the participation of NGOs, on UN Member States' reports; consequently, urges all States under review to engage in a substantive discussion of their human rights record in a transparent manner, involving all sectors of government and civil society and bearing in mind that the main objective of the review process is the improvement of human rights on the ground;
29. Calls on all States to carry out an extensive national consultation following the review, on the basis of its recommendations; calls on the EU to investigate further how those recommendations can be used in the development of technical assistance programmes;
30. Calls on the UNHRC to sustain efforts aimed at increasing the accountability of UN Member States in the field of human rights by increasing the efficiency of the UPR, notably by tightening up procedures with a view to avoiding deliberate obstruction or diversionary tactics, which undermine the very goals of the UN, the UNHRC and the UPR;

Transparency and the participation of civil society in the work of the UNHRC

31. Reiterates the importance of participation by civil society in the work of the UNHRC, and urges the EU Member States to introduce effective ways and instruments enabling civil society to participate in the UNHRC and to avail themselves of the prerogatives granted by their consultative status to submit written communications and make oral declarations;
32. Welcomes the retention of the practice of the participation of human rights NGOs in the debates and hopes that this participation will be improved and strengthened in the future; reiterates its call for a reform of the UN Committee on NGOs, so as to ensure the effective participation of independent NGOs, and points out that recommendations for accreditation must be made by independent experts on the basis of the work and contributions of NGOs;
33. Notes that the UNHRC's character as a permanent body presents particular challenges to NGOs not based in Geneva; welcomes, therefore, the contributions of the agencies liaising on behalf of NGOs with the OHCHR and the UN Office in Geneva to providing NGOs with information about activities and facilitating their participation in the work of the UNHRC;
34. Calls on donors to address the training and funding needs of human rights organisations, especially those not based in Geneva, in such a way as to enable them to participate consistently and effectively in the work of the UNHRC; calls on the Commission to further support civil society initiatives for the scrutiny of government policies on UN human rights issues;
35. Regrets the lack of public interest in, and knowledge of, the UNHRC; welcomes, therefore, the initiatives of the OHCHR aimed at increasing transparency, namely the

creation of the “Bulletin of informal meetings”; welcomes the web-streaming of the sessions of the UNHRC, designed to raise public awareness of its work;

Office of the High Commissioner for Human Rights

36. Reaffirms its opinion that the OHCHR is a key body within the United Nations system since it plays a crucial role in protecting and upholding human rights by mainstreaming those rights throughout the UN system and within all relevant organisations, notably in connection with activities linked to the restoration or strengthening of peace, development and humanitarian action;
37. Reaffirms its support for the OHCHR and its attachment to the integrity of that body's remit, as well as to its independence and impartiality;
38. Encourages the efforts of the OHCHR to strengthen its presence on the ground through the opening of regional offices; in this respect, welcomes the signing of a memorandum of understanding between the OHCHR and the Kyrgyz authorities on the opening of an OHCHR regional office in Bishkek; reiterates its appreciation of the work done by the OHCHR in support of Treaty bodies and Special Procedures;
39. Expresses its appreciation of the work of Ms Louise Arbour as head of the OHCHR, together with the commitment and integrity that she has shown, and is confident that her successor, Ms Navanethem Pillay, will engage with similar enthusiasm and live up to the challenges of the post;
40. Welcomes the voluntary contributions that the European Commission has for years made to the OHCHR, including EUR 4 million for 2008, under the European Instrument for Democracy and Human Rights; calls on the EU Member States to continue to support the OHCHR, especially in the Administrative and Budgetary Fifth Committee of the General Assembly, so as to ensure that there is no interference with its independence and that it is granted all the financial resources needed to enable it to carry out its mandate;

The EU's role in the UNHRC

41. Welcomes the EU's active participation in the first two years of functioning of the UNHRC, namely through sponsoring or co-sponsoring resolutions, issuing statements, intervening in interactive dialogues and debates, and successfully calling for special sessions on the situation regarding human rights in Darfur in December 2006 and in Myanmar in October 2007; recognises the commitments made by the EU to addressing country situations in the UNHRC;
42. Welcomes the fact that all of the resolutions proposed or co-sponsored by the EU have been approved by the UNHRC during its first eight regular sessions and first seven special sessions; notes, however, that many controversial and non-consensual issues were not put to a vote;
43. Takes note that the EU Member States participating in the UNHRC are split into two regional groupings, namely the Western European States group and the Eastern European States group; notes that the EU opposes the presentation of “clean slates” by regions,

which results, effectively, in EU Member States competing between themselves for election to the UNHRC;

44. Encourages the EU to continue to press for the establishment of membership criteria for election to the UNHRC, including the issuing of permanent invitations to Special Procedures mandate-holders, as well as for monitoring of the actual implementation of the UN member states' election pledges; also reiterates its call for this rule to be applied in determining whether the EU should support candidate countries; regrets that this request has not yet been upheld by the EU;
45. Notes that the EU finds itself in a numerical minority within the UNHRC, which certainly presents a challenge when it comes to making its voice heard; welcomes the practice put forward during the Slovenian presidency of "outreach" towards other UNHRC members and burden-sharing between EU Member States; calls on the EU Member States to further develop and strengthen this practice;
46. Welcomes the increasing trend whereby EU Member States intervene in the debates in addition to the EU Presidency; calls for this to be further developed, and calls on EU Member States to reinforce the EU's message by putting across "one message, but with many voices"; encourages EU Member States to further develop cross-regional initiatives as a useful way of counteracting bloc policies; calls on the EU and the Organisation of The Islamic Conference to intensify efforts to improve their mutual understanding and collaboration;
47. Supports the EU's stance in seeking a coordinated, common position at the UNHRC; regrets however that, in the process of achieving a common policy amongst the EU Member States at the UNHRC, the EU often arrives at the UNHRC forum with the lowest common denominator, thereby restricting the dynamics of the EU diplomatic potential with other regional groupings; encourages the EU High Representative to give a mandate to his Personal Representative for Democracy and Human Rights – if necessary by dispatching personal envoys – to conduct intensive consultations in Africa, Asia and Latin America on issues discussed at the UNHRC, with a view to engaging with countries from other blocs in common initiatives at the UN level;
48. Regrets that, partly due to the time and effort needed to reach a common position, the EU has not been able to exercise influence effectively within the wider UN system; calls on the EU, while remaining committed to achieving a common position, to increase its flexibility on minor issues so as to become capable of acting more rapidly and efficiently in negotiations on fundamental issues;
49. Regrets the rather defensive attitude adopted by the EU in the UNHRC, in particular its reluctance to put forward resolutions on country situations, as these usually meet with intense resistance from particular countries, as well as its deliberate choice of consensus and its tendency to avoid language that would generate opposition, which in turn results in the acceptance of compromises that do not reflect the EU's preferences, as in the case of the resolutions adopted on Darfur in March 2007 and on the Group of Experts on Darfur in December 2007, which resulted in the Group being disbanded despite the EU having originally pushed for it to be maintained;

50. Calls on the EU and its Member States to make better use of their potential influence in order to exercise the role that it could play as the leader of a group of democratic countries with solid human rights records; considers that this leadership role can be best achieved by enhancing the partnerships with states from other regional groups, as shown by several EU initiatives within the UN system, such as the General Assembly resolutions on a moratorium on the death penalty and on the right to water;
51. Calls on the EU and its Member States to interact more energetically with other democratic members of the UNHRC, including countries within the African and Asian groups, and especially with democratic states abiding by the international rule of law; considers that the Nigerian Presidency of the UNHRC constitutes a window of opportunity for the EU in this respect;
52. Calls on the EU to organise regular meetings with those countries on specific issues as a way of creating a coalition-building mechanism and of ensuring the widest possible support for its positions; stresses the need to empower the EU Member States' Geneva missions and to invest in diplomatic resources by sending human rights specialists and high-level diplomats to steer the UNHRC;
53. Calls for closer coordination and cooperation between the relevant Brussels-based working groups of the Council of the EU and the EU Offices and the EU Member States' Permanent Representations in New York and Geneva; in this respect, welcomes the effective decentralisation of day-to-day decision-making from Brussels to Geneva, with capitals retaining an important coordinating role;
54. Once again calls on the EU to make more effective use of its aid and political support to third countries, as well as other instruments such as human rights dialogues and consultations, with a view to guaranteeing broader agreement on its initiatives or initiatives that it co-sponsors, which should be guided by respect for international law and universally recognised human rights standards and the promotion of democratic reforms; at the same time, calls on the EU Member States and the European Commission to take into account the outcome of the UNHRC's work vis-à-vis a given State, including the recommendations and conclusions of the UPR, when defining objectives and priorities of EU assistance programmes;
55. Regrets the fact that the EU has not been able to present substantial priorities for the work of the UNHRC and has on several occasions been forced into a "damage limitation" attitude, as in the case, most notably, of the "Code of Conduct for Special Procedures" proposed in 2007 by the African Group; calls on the EU to adopt a more pro-active strategy and to redouble its efforts to influence the UNHRC's agenda and its debates;
56. Considers that, while EU Member States have better human rights records than many other UNHRC members, the action of the EU will be more effective if it cannot be accused of applying double standards and of being selective in its own human rights and democracy policies; therefore calls on the EU to live up to its commitment to boost human rights in all regions in the world and on all issues; in this respect, calls on the EU to actively engage in the review of the Durban Conference which is to take place in 2009, bearing in mind in particular the need to implement the resolution adopted by the UN General Assembly in December 2007 calling for a universal moratorium on the death

penalty;

57. Encourages the regular presence of Parliament's delegations at the sessions of the UNHRC in Geneva; welcomes the initiative of Parliament's Subcommittee on Human Rights to invite Special Procedures mandate-holders as well as the Presidency of the UNHRC to its meetings, and calls for this practice to be continued;
58. Reaffirms the need for a clear vision, political agenda and long-term strategy as regards the functioning of the UNHRC as well as the activities of EU Member States within that body, especially as regards the review of the UNHRC to be undertaken in 2011; considers that this strategy should include clear benchmarks; in this respect, calls on the EU to:
- reaffirm and strongly defend the principles of the universality, indivisibility and interdependence of human rights;
 - ensure that the ability of the UNHRC to address country situations, including through country mandates, is preserved and reinforced;
 - ensure the independence and effectiveness of Special Procedures in general, and work towards the realisation of the obligation to cooperate with Special Procedures for members of the UNHRC;
 - work towards the strengthening of independent monitoring mechanisms and findings in the UPR process;
 - reaffirm the UNHRC's specific role as the principal and legitimate international human rights forum and its complementarity vis-à-vis other UN bodies;
 - safeguard the independence of the OHCHR;
 - reinforce its external coalition-building strategy, notably through cross-regional initiatives;
 - further address its internal/external human rights credibility, notably through Treaty ratification;
59. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the EU and UNHRC Member States, the President of the UN General Assembly, the UN Secretary-General and the Office of the High Commissioner for Human Rights.

EXPLANATORY STATEMENT

As the shortcomings of the UN Commission on Human Rights, namely the "deficit of credibility" deriving from politicization and selectivity of its work, became more and more recognized, the United Nations General Assembly adopted on 15 March 2006, almost unanimously¹ a resolution, which replaced the Human Rights Commission by a new international mechanism for the promotion and the protection of human rights, the Human Rights Council.

The establishment of the Human Rights Council has frequently been heralded as the beginning of a new era for the protection and promotion of human rights in the UN system: the achievements, such as the system of independent experts and Special Procedures, of the Human Rights Commission were clearly recognised and carried forward to the new body, while new mechanisms and procedures, such as the very innovative Universal Periodic Review, were created in order to enhance the credibility and the human rights protection and promotion ability of the Human Rights Council.

The latter however has not escaped growing charges of a lack of impartiality (denouncing the Council became just as politicised as the late Commission) and doubts about its efficiency in addressing human rights violations around the world.

In the light of the above and after 2 years of work of the Council, during which the institutional reform was fine-tuned (namely with regard to the modalities of the Universal Periodic Review, by which every State's Human Rights record is reviewed every four years in an intergovernmental process, the review of Special procedures, aimed at "rationalising", the adoption of codes of conduct for mandate holders and the review of the 1503 complaints procedure) and put into practice, it seems useful to assess whether the Council has lived up to its original purpose and to the expectations it was entrusted with, by analysing the working procedures as well as the results they have produced during the 9 regular, 7 special sessions as well as 2 sessions dedicated to UPR which the Council has held so far.

The idea is not, despite certain shortcomings or dangerous trends, to be noted in the Council, (such as the slow disappearance of country mandates, the difficulty to address country specific situations in general, and the selectiveness of the Council with this respect, the inter-governmental character of the UPR process and the relatively weak access of NGOs within this process, as well as about the more and more visible attempts to "relativise" Human Rights), to prejudge or discredit the Human Rights Council, which remains a unique universal human rights forum. It is rather to acknowledge its undoubted achievements and where necessary, point out to the possible improvements in the functioning of the Council itself, but also in the positioning of the Council in relation to other UN bodies, such as the Third Committee, the General Assembly or the Security Council. In doing so, the report will analyse the role the EU can and could play in this respect.

¹ The only countries against were: Israel, Marshall Islands, Palau, United States. Abstentions came from Abstentions: Belarus, Iran, Venezuela, Delegations from Central African Republic, Democratic People's Republic of Korea, Equatorial Guinea, Georgia, Kiribati, Liberia, Nauru were absent.

Indeed, the EU putting human rights and democracy at the heart of its external relations, namely through its activities in international human rights bodies, dedicated itself since the beginning to play an active and visible role in the establishment and functioning of the HRC, with the ambition of defending highest human rights standards, by sponsoring or co-sponsoring standard-setting texts¹, and country resolutions, taking active and constructive part in the review of Special Procedures and in the UPR, advocating an effective NGO participation in the work of the Council, etc. with, unfortunately...mixed results.

Certainly, one should not overlook the difficulties for the EU of defending its positions in a Council where countries with solid human rights records are in minority and where two regional, strongly unified, majoritarian groups (the Organisation of Islamic Countries and the African group) allied with Russia and China are opponents in the negotiations, in which, due to the absence of the US, the EU often finds itself almost alone. The excessive self-centeredness of the EU is in part due to its specificity and the need to spend a lot of time elaborating common positions, however it seems that its lack of anticipation, leadership and a rather defensive approach have impeded the EU, more than the numerical reality, in successfully carrying out important human rights initiatives.

The report will therefore analyse the ways the EU could improve its influence in the HRC and, by doing so, give a new impetus to the Council, so it becomes a more effective functioning body. At the same time, given the review procedure of the Council five years after its creation, i.e. in 2011, this report proposes as a benchmarking exercise, to be repeated possibly just before the review.

¹ The International Convention for the Protection of All Persons from Enforced Disappearances and the UN Declaration on the Rights of Indigenous Peoples were adopted at the very first session of the HRC.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	2.12.2008
Result of final vote	+: 49 -: 1 0: 2
Members present for the final vote	Angelika Beer, Bastiaan Belder, Elmar Brok, Colm Burke, Marco Cappato, Philip Claeys, Véronique De Keyser, Giorgos Dimitrakopoulos, Michael Gahler, Jas Gawronski, Klaus Hänsch, Jana Hybášková, Anna Ibrisagic, Ioannis Kasoulides, Maria Eleni Koppa, Joost Lagendijk, Vytautas Landsbergis, Johannes Lebech, Francisco José Millán Mon, Pasqualina Napoletano, Annemie Neyts-Uyttebroeck, Vural Öger, Ria Oomen-Ruijten, Alojz Peterle, Tobias Pflüger, Samuli Pohjamo, Bernd Posselt, Raúl Romeva i Rueda, Christian Rovsing, Flaviu Călin Rus, José Ignacio Salafranca Sánchez-Neyra, Jacek Saryusz-Wolski, György Schöpflin, Konrad Szymański, Charles Tannock, Inese Vaidere, Geoffrey Van Orden, Ari Vatanen, Marcello Vernola, Andrzej Wielowieyski, Jan Marinus Wiersma, Zbigniew Zaleski, Josef Zieleniec
Substitute(s) present for the final vote	Laima Liucija Andrikienė, Árpád Duka-Zólyomi, Martí Grau i Segú, David Hammerstein, Pierre Jonckheer, Tunne Kelam, Evgeni Kirilov, Alexander Graf Lambsdorff, Erik Meijer