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# 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

Rapporteur: Richard Howitt

## CONTENTS

	<b>Page</b>
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION.....	3
OPINION OF THE COMMITTEE ON DEVELOPMENT .....	36
OPINION OF THE COMMITTEE ON WOMEN’S RIGHTS AND GENDER EQUALITY	40
RESULT OF FINAL VOTE IN COMMITTEE.....	47

## 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 the Council Conclusions on intolerance, discrimination and violence on the basis of religion or belief, as adopted at the 3069th Foreign Affairs Council meeting in Brussels on 21 February 2011,
- having regard to its resolution of 14 February 2006 on the human rights and democracy clause in European Union agreements<sup>1</sup>,
- having regard to its resolution of 25 February 2010 on the 13<sup>th</sup> session of the United Nations Human Rights Council (Geneva, 1-26 March 2010)<sup>2</sup>,
- having regard to its resolution of 19 May 2010 on the Review Conference on the Rome Statute of the International Criminal Court, in Kampala, Uganda<sup>3</sup>, 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 difficulties<sup>4</sup>,
- having regard to Council Decision 2011/168/CFSP of 21 March 2011 on the International Criminal Court<sup>5</sup>, and the revised action plan,
- having regard to the UN Declaration on Human Rights Defenders, the activities of the Special Representative of the UN Secretary-General on the situation of human rights defenders, the EU Guidelines on Human Rights Defenders, and its resolution of 17 June

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<sup>1</sup> OJ C 290E, 29.11.2006, p. 107.

<sup>2</sup> OJ C 348E, 21.12.2010, p. 6.

<sup>3</sup> OJ C 161E, 31.5.2011, p. 78.

<sup>4</sup> OJ C 59E, 28.2.2012, p. 150.

<sup>5</sup> OJ L 76, 22.3.2011, p. 56.

2010 on EU policies in favour of human rights defenders<sup>1</sup>,

- having regard to its resolution of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women<sup>2</sup>,
- having regard to the EU Guidelines for the Promotion and Protection of the Rights of the Child and the EU Guidelines on Children and Armed Conflict, as well as the many previous Parliament resolutions touching on these issues,
- having regard to its resolution of 25 November 2010 on corporate social responsibility in international trade agreements<sup>3</sup>,
- 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 responsibility<sup>4</sup>,
- having regard to its resolution of 7 July 2011 on EU external policies in favour of democratisation<sup>5</sup>,
- having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, and its latter revisions in February 2005 and June 2010,
- having regard to all its resolutions on urgent cases of breaches of human rights, democracy and the rule of law,
- having regard to the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief,
- having regard to United Nations General Assembly resolution 66/167 on combating intolerance, negative stereotyping and stigmatisation of, and discrimination, incitement to violence and violence against, persons based on religion or belief,
- having regard to the Foreign Affairs Council Conclusions on the European Neighbourhood Policy, adopted on 20 June 2011 at its 3101st meeting,
- having regard to its resolution of 27 October 2011 on Tibet, in particular self-immolation by nuns and monks<sup>6</sup>,
- having regard to its resolution of 5 May 2010 on the power of legislative delegation<sup>7</sup>,
- 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,

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<sup>1</sup> OJ C 236E, 12.8.2011, p. 69.

<sup>2</sup> OJ C 176E, 16.6.2011, p. 25.

<sup>3</sup> OJ C 34E, 3.2.2011, p. 186.

<sup>4</sup> OJ C 240E, 18.8.2011, p. 52.

<sup>5</sup> OJ C 291E, 4.10.2011, p. 238.

<sup>6</sup> OJ C 48E, 18.2.2012, p. 239.

<sup>7</sup> OJ C 81E, 15.3.2011, p. 6.

annexed to its resolution of 1 December 2011 on the joint text approved by the Conciliation Committee for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1934/2006 establishing a financing instrument for cooperation with industrialised and other high-income countries and territories<sup>1</sup>,

- having regard to the Foreign Affairs Council Conclusions on the European Endowment for Democracy, adopted on 1 December 2011 at its 3130th meeting, and the Declaration on the establishment of a European Endowment for Democracy, agreed to by COREPER on 15 December 2011,
- 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 punishment<sup>2</sup>,
- having regard to its resolution of 7 October 2010 on the World Day against the death penalty<sup>3</sup>,
- 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 matter<sup>4</sup>,
- 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 UN General Assembly resolutions 46/121, 47/134 and 49/179 on human rights and extreme poverty, 47/196 on the observance of an international day for the eradication of poverty, and 50/107, on the observance of the International Year for the Eradication of Poverty and proclamation of the first United Nations Decade for the Eradication of Poverty,
- having regard to UN Economic and Social Council Documents E/CN.4/Sub.2/1996/13, E/CN.4/1987/NGO/2, E/CN.4/1987/SR.29 and E/CN.4/1990/15 on human rights and extreme poverty, E/CN.4/1996/25 on the right to development and UN Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1996/25 on the realisation of economic, social and cultural rights,

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<sup>1</sup> Texts adopted, P7\_TA(2011)0533.

<sup>2</sup> OJ C 236E, 12.8.2011, p. 107.

<sup>3</sup> OJ C 371E, 20.12.2006, p. 5.

<sup>4</sup> OJ C 93E, 25.3.2011, p. 200.

- having regard to the Report by the UN Special Rapporteur on extreme poverty and human rights (A/66/265) examining the laws, regulations and practices that restrict behaviours in public spaces by persons living in poverty,
- having regard to UN Human Rights Council Resolution 17(13) of 17 June 2011 on extreme poverty and human rights, and all other relevant Human Rights Council resolutions,
- having regard to the Communication from the Commission to the European Parliament, 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 Policy<sup>1</sup>,
- 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

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<sup>1</sup> Texts adopted, P7\_TA(2011)0576.

environmental standards in international trade agreements<sup>1</sup>,

- having regard to its recommendation to the Council of 2 February 2012 on a consistent policy towards regimes against which the EU applies restrictive measures, when their leaders exercise their personal and commercial interests within EU borders<sup>2</sup>,
- 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 the Annual Report of the UN Special Representative of the Secretary-General on Violence against Children, of 13 January 2012, which reaffirms the human rights normative foundation of children's freedom from violence and calls for the universal ratification of the Optional Protocols to the Convention on the Rights of the Child and for the enactment of national legislation banning all forms of violence against children,
- having regard to its resolution of 11 May 2011 on the development of the common security and defence policy following the entry into force of the Lisbon Treaty<sup>3</sup>,
- 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 thereto<sup>4</sup>,
- 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 Union<sup>5</sup>,
- 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 (A7-0086/2012),

A. whereas the founding Treaties commit the Union to having its external actions guided by

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<sup>1</sup> OJ C 34E, 3.2.2011, p. 195.

<sup>2</sup> Texts adopted, P7\_TA(2012)0018.

<sup>3</sup> Texts adopted, P7\_TA(2011)0228.

<sup>4</sup> 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.

<sup>5</sup> OJ C 303, 14.12.2007, p. 1.

the principles of democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity and the rights of minorities, 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, the rule of law, justice and accountability are the best safeguards of human rights, fundamental freedoms, tolerance and equality;
- D. whereas freedom of thought, conscience and religion is at the core of the European Union, and this should be reflected relentlessly in its external action;
- E. whereas there is a link between human rights and development; whereas human rights are essential to achieving and sustaining the MDGs;
- F. whereas freedom of conscience, religion, opinion and expression without the risk of state punishment are core universal rights;
- G. whereas human rights defenders are crucial actors when it comes to the protection and promotion of human rights and the consolidation of democracy;
- H. whereas non-governmental organisations are essential to the development and success of democratic societies and the promotion of mutual understanding and tolerance;
- I. whereas freedom of religion or belief continues to be under growing threat in many parts of the world from governmental and societal restrictions alike, resulting in discrimination, intolerance and violence against individuals and religious communities, including religious minority representatives;
- J. whereas lessons must be learned from the European Union's past failures in re-shaping its external action while enshrining human rights and democracy at the heart of its policies and promoting transition in countries with authoritarian regimes and de facto support for those regimes, in particular where stability and security concerns have compromised a principled policy of promoting democracy and human rights; whereas these failures have shown the need to redefine current EU instruments on the matter and establish new tools, such as the European Endowment for Democracy – an expert, proactive, lightly structured and thus cost-, decision- and response-effective tool at arm's length from the EU, capable of utilising in-depth knowledge and insights on the local situation in the countries of impact, through direct cooperation with local partners and twinnings between European and local partners, and also utilising, directly or through re-granting, resources from the EU, Member States and other sources to support civil society capacity for democratic opposition and political actors striving for democratic change in non-democratic countries and countries in transition, in a mutually safe and, where necessary, deniable manner;
- K. whereas free and fair elections only represent the first step towards democracy, which is a



long-term process based on respect for human rights, the rule of law and good governance;

- L. whereas the enforcement of human rights clauses and human rights conditionality in partnership agreements between the EU and third countries entailing EU development aid remains unsatisfactory;
- M. whereas 2010 marked the tenth anniversary of UN Security Council resolution 1325 (2000) on women, peace and security; whereas, however, additional efforts are needed for its implementation in the EU and around the world;
- N. whereas different Member States have unique experiences to offer in terms of overcoming authoritarian regimes in their own past, and whereas this transition experience should be better utilised in the Union's relations with partner countries in strengthening democracy and human rights;
- O. 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;
- P. 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, combining this approach with the challenge of developing the human rights Country Strategy Papers and implementing action plans, which must also cover democratisation, reflecting the specificity of each country as regards impact, and making full use of the EU's relevant instruments;
2. Stresses that appropriate measures must be taken to ensure that civil rights and fundamental freedoms are not compromised or diminished in times of economic crisis;
3. Stresses, too, that the Union's policies should also be consistent and exemplary within the EU, as well as coherent and in line with fundamental values and principles in order to maximise the EU's credibility globally and the effectiveness of human rights policies;
4. Recalls that economic and social rights have been an integral part of human rights since the adoption of the Universal Declaration of Human Rights in 1948; believes, therefore, that the EU must help to implement these rights in less advanced and developing countries with which it signs international agreements, including trade agreements;
5. 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 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); insists that the Member States have a role to play in the resettlement of refugees and renews its demands for the creation of a true Joint EU Programme for the Resettlement of Refugees;

6. Calls on the United States to honour its pledge to close the detention facility at Guantánamo Bay; urges Member States to step up efforts to resettle non-European detainees released from Guantánamo who cannot be repatriated to their home states as they are under threat of death, torture or cruel and inhumane treatment;
7. Calls for the EU, the Member States and the Commission immediately to take the measures needed to ensure the rescue at sea of migrants trying to enter the EU and to ensure coordination and cooperation between the Member States and the competent authorities in order to avoid the drowning and death of hundreds of women, children and men at sea;
8. Encourages the negotiations on the EU's accession to the European Convention on Human Rights, and deplores the obstructionist attitude of some Member States, notably France and the United Kingdom;
9. 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 broad consultation processes with local and international civil society organisations, analyses of the situation and needs in each country and making full use of the EU's relevant instruments; insists on the need to use these Country Strategy Papers as reference documents to be mainstreamed in all policies and relevant external financial instruments; reiterates its call for the Country Strategy Papers to be made available to Parliament; stresses the need for consistency and avoidance of double standards;
10. Emphasises the crucial role played by civil society in the protection and promotion of democracy and human rights; calls for the designation of contact persons for civil society and human rights defenders in EU Delegations to be completed; stresses that EU contacts with civil society should be built on a genuine partnership, including systematic, timely and regular dialogue on an equal footing, which must guarantee the active participation of civil society actors in the process of good governance; stresses that the information collected in this context must be put to good use, but also protected by EU policies, particularly through democracy and human rights clauses; stresses the need to improve information sharing between the different actors involved in the defence of human rights across the world, in order to enable them to gain a better understanding of the activities and actions carried out, particularly with regard to specific cases, as well as the difficulties encountered; stresses, in this regard, that a civil society monitoring mechanism should be set up to ensure that civil society is systematically involved in the implementation of agreements and programmes; welcomes, at the same time, initiatives such as the Eastern

Partnership Civil Society Forum, and encourages EU institutions to take up more of the recommendations and declarations developed in the course of the EP-CSF in Brussels in 2009, in Berlin in 2010, and in Poznań in 2011;

11. Regrets the fact that some EU partner countries are initiating politicised and falsified trials against persons, thus violating human rights and fundamental norms of the rule of law; is deeply concerned, that despite international calls, no measures are being taken in those third countries to guarantee and respect the rights of those convicted in politically motivated cases;
12. Stresses that facilitating citizens' direct participation in public life through their direct participation in political parties at national and European level is an essential right to express one's view and a democratic right;
13. Urges the EU to undertake additional efforts, mainstream more effectively human rights and democracy across development cooperation and ensure that EU development programmes contribute to the fulfilment by partner countries of their international human rights obligations; calls also for human rights and democracy to be integrated into programmes linking relief, rehabilitation and development (LRRD), because of their vital importance in the process of transition from humanitarian emergency to development;
14. Welcomes the special relevance assigned to human rights, democracy and the rule of law in the Communication on Increasing the Impact of EU Development Policy: an Agenda for Change<sup>1</sup>, and stresses that democracy, respect for human rights and fundamental freedoms, good governance, peace and security are prerequisites for – and have a synergetic and mutually reinforcing relationship to – development, the reduction of poverty and the achievement of the Millennium Development Goals; reaffirms the importance of a human rights-oriented development policy and calls on the EU to set specific, measurable, achievable and time-bound objectives for human rights and democracy in its development programmes; calls on the EU to focus its development assistance on strengthening institution-building and civil society development of recipient countries, as those elements are crucial for good governance, as well as for ensuring accountability and ownership of development processes; calls for a strengthening of the human rights and conditionality clauses in EU supported programmes; calls on the European External Action Service and the Commission to seek new ways to ensure better linkages between dialogues on human rights with partner countries and development cooperation;
15. Stresses that the EU should ensure that its actions in the field of development policy, peace-building, conflict prevention and international security are mutually reinforcing; underlines, in this context, the necessity of devising appropriate strategies for countries in situations of fragility;
16. Emphasises the interdependence between extreme poverty and the lack of human rights, and highlights the need to develop a set of principles on the application of standards and criteria relating to human rights in the fight against extreme poverty;

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<sup>1</sup> COM(2011)0637.

17. Reiterates that 70 % of the world's poor live in rural areas and depend directly on natural resources for their survival and well-being, and that the urban poor also rely on these resources; calls for the EU to defend access for populations to the natural and vital resources of their countries, access to land and food security as a fundamental right; deplores the fact that a significant number of people do not have basic commodities such as water; draws attention to the rights set out in the UN Social Responsibility Pact, such as the rights to appropriate nutrition, minimum social standards, education, health care, just and favourable working conditions and participation in cultural life, which should all be treated equally;

### ***The 2010 EU Annual Report***

18. 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, for the first time since the presentation of Annual Reports on Human Rights in the World, 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 and very strongly encourages the HR/VP to present future such reports to Parliament and in timely fashion;

19. 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;

20. Welcomes the comprehensive section on violence against women and on the rights of the child in this year's Annual Report; draws attention, in this context, to scourges such as forced and sex-selective abortion, forced sterilisation and female genital mutilation; recognises the priority given to supporting 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;

21. Notes that the Annual Report does not include a specific section on development; stresses, especially after the entry into force of the Lisbon Treaty and given the current integrated strategy on human rights, that a thematic section in the Annual Report should be devoted to 'human rights and development';

22. Urges the HR/VP in her drafting of future Annual Reports to consult actively, systematically and in a transparent fashion with Parliament, in a timely way and comprehensively with human rights NGOs, publicly inviting all interested organisations to provide their input, enhancing the use of social networks and media to consult as many organisations as possible; calls on the HR/VP also systematically to consult with the Parliament and to report on the way that Parliament's resolutions have been taken into account; asks the HR/VP more regularly to provide information on the stage of preparation of future Annual Reports whenever requested to do so by Parliament;

### ***Mainstreaming***

23. Notes 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; requests that, if this function is established, the EU Special Representative should have cross-sectoral skills enabling the implementation of a cohesion policy aimed at integrating human rights in all EU policies; warns, however, against any attempt to isolate human rights policy from the overall external policy strategies through the creation of such a Special Representative;
24. Considers it vital that international agreements, in particular on trade, energy, readmission, security and technical cooperation, do not contradict the EU's founding principles enshrined in Article 21 of the TEU; proposes that human rights impact assessments with benchmarks be undertaken prior to the launching of the negotiations of such agreements as well as 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; insists on the full use, in this regard, of Article 218 of the TEU, according to which the Commission has the obligation to inform Parliament and the Council at all stages of the negotiations on international agreements with third countries; considers it highly important, in this respect, to provide EU institutions with highly qualified and independent expertise on individual countries' human rights and democracy situations;
25. Recommends that, to move beyond general ideas of human rights mainstreaming, a set of practical measures be drawn up which must be binding on all EU officials working externally, as well as on all staff in Member States taking part in the operational actions of EU agencies, including FRONTEX, and on experts working on behalf of the EU and financed by the EU, who should comply with international norms and standards; 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;
26. Recommends also that, whenever a gross breach of human rights is committed by a partner country with which an international agreement, such as a partnership and cooperation agreement, has been concluded, the EU take bolder steps in carrying out the appropriate sanctions as stipulated in the human rights clauses of the agreement, including possible temporary suspension of the agreement;
27. Highlights the importance of drawing up adequate follow-up programmes to the EU Election Observation Mission Reports in close cooperation with the European Parliament, ensuring that these follow-up programmes are also linked to any development programmes;
28. Stresses that the mainstreaming of international justice must include systematically taking account of the fight against impunity and the principle of complementarity in the broader context of trade, development and rule-of-law assistance; stresses that rehabilitation and reintegration of victims in society and affected communities must be the central concern, with a special focus on vulnerable groups, including women, children, young people and people with disabilities; highlights the importance of establishing constitutional structures,

including an efficient legal system, the separation of powers and a recognised and independent judiciary in order to strengthen the promotion of human rights in any country; 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 the human rights and democracy clauses of EU agreements with third countries, taking account of the fact that such clauses are to be considered as essential elements of the agreements, with the focus on strategic partnerships and the countries covered by the European Neighbourhood Policy;

### ***EU action in the context of the United Nations***

29. 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 and democracy promotion strategy;
30. Reiterates its call on the Council to authorise the HR/VP to draft guidelines for regular consultations between the ambassadors of the Member States and the EU's ambassadors, especially between those working at multilateral level in places like Geneva and New York, so that the EU can successfully pursue its UN agenda and act for the promotion and defence of human rights;
31. 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;
32. 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***

33. Welcomes the updating of the EU's policy on the ICC of 12 July 2011; notes that the Rome Statute of the ICC establishes a mechanism of 'last resort' to bring to justice the individuals responsible for crimes against humanity, genocide, war crimes and the crime of aggression, as provided by the principle of complementarity enshrined in the Rome

Statute; recognises the Commission's efforts to establish an 'EU Complementarity Toolkit' aimed at supporting the development of national capacities and generating political will for the investigation and prosecution of alleged international crimes, and stresses the importance of thorough consultations with Member States, Parliament and civil society organisations in order to finalise the toolkit; welcomes the efforts of civil society in Member States to support complementarity efforts in countries where crimes under international law and massive human rights violations have occurred, and encourages the continuation of such efforts; 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 enact national legislation on cooperation with the Court and conclude framework agreements with the ICC in order to facilitate cooperation, in particular to ensure the execution of arrest warrants and other Court requests;

34. 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 Member States promptly to ratify these substantive amendments and to implement them as part of their domestic penal systems; in this context, calls on the Council and the Commission to use their international authority in the interests of securing and strengthening the universality of the Rome Statute for an internationally agreed definition of acts of aggression in breach of international law; 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;
35. Recommends that the EU systematically include ICC clauses in agreements with third countries and 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 such as the African Union, the Arab League, the Organisation of American States and the OSCE, and third countries;
36. Welcomes the EU's and Member States' financial and logistical support for the ICC, and recommends that 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 adequate support for the functioning of the Court, including taking a proactive role in the surrender of indictees;

#### ***EU policies to support democratisation***

37. Insists that the goals of development, democracy, human rights, good governance and security are intertwined; reiterates its conviction that all EU external actions must combine a political dimension which supports pluralism, democracy and respect for human rights, fundamental freedoms and the rule of law, and a development dimension which focuses on socio-economic progress, including eradication of poverty, the fight against inequality, and the basic need for food, based on sustainable development; adds in this context that EU development aid programmes should include concrete and substantial

reforms to ensure respect for human rights, transparency, gender equality and the fight against corruption in beneficiary countries; notes, furthermore, that stricter conditionality and suspension of aid should be applied in beneficiary countries which manifestly disregard basic human rights and freedoms and which fail to enact legislation that fulfils international obligations;

38. Considers that the performance-driven ‘more for more’ approach should drive the relations of the EU with all third countries, that the EU should only grant partner countries advanced status if clear human rights and democracy requirements are met, and that it should not hesitate to freeze this status should these requirements no longer be fulfilled; considers that serious consideration should be given to this in further negotiations with Russia on the new advanced Partnership Agreement;
39. 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;
40. Welcomes the plans to establish a European Endowment for Democracy (EED), as set out in the Joint Communication of the HR/VP and the Commission, the Council Conclusions of the 3101st and 3130th meetings, leading to the Declaration on the Establishment of a European Endowment For Democracy agreed to by COREPER on 15 December 2011, together with the efforts undertaken by a European Endowment for Democracy Working Group established under the auspices of the EEAS in cooperation with Member States and EU institutions; underlines the Endowment’s potential function, under Parliament’s oversight, 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, among its other actions, any such tool complements the activities of existing instruments, in particular the EIDHR, without creating unnecessary bureaucratic structures; 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***

41. Stresses the importance of a political support process not simply focused 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, freedom of religion and belief, the rule of law and good governance; underlines that in this context the right to religious freedom should also be assigned a duly prominent role; points out that this right is in fact generally recognised as one of the most fundamental of all human rights;
42. 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;
43. Calls on the Council, the Commission and the EEAS 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; welcomes the commitment of the HR/VP to focus in election observation on the participation of women and national minorities, as well as persons with disabilities, both as candidates and voters<sup>1</sup>;

44. Stresses the importance, at the end of each election observation mission, of drawing up realistic and achievable recommendations in cooperation with other international actors, where applicable, 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; supports, therefore, the promotion of a sustainable and regular dialogue with these third country parliaments; underlines the need to improve the working methodology of European Parliament election observation delegations and to take care to enhance the skills of the participating MEPs and personnel;

#### ***Human rights dialogues and consultations with third countries***

45. 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, the Member States and their embassies to make greater efforts to integrate these dialogues in all in-country EU external actions; stresses the need for transparency and genuine prior consultation of civil society organisations, as well as debriefing after the dialogues, in order to report on the results;
46. 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;
47. 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; considers that particular consideration must be given to these indicators to ensure the effectiveness of democracy and human rights clauses in all EU agreements, whatever their nature;
48. Stresses the importance and urgency of improving the modalities and substance of these dialogues in consultation with civil society; reiterates that dialogues can be constructive and can have a real impact on the ground only if followed up with concrete steps taking account of the EU's objectives and the EU Guidelines on Human Rights Dialogues with third countries, as well as if corrective measures are put in place;

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<sup>1</sup> Human Rights and Democracy at the Heart of EU External Action - Towards a more effective Approach, Joint Communication, 12 December 2011

49. Recalls that the EU should use these dialogues as an instrument to raise individual cases of human rights violations in third countries, such as cases of political prisoners and detainees, e.g. in Vietnam and China, imprisoned for the peaceful exercise of basic rights, such as freedom of expression, assembly, association and religion; calls on the EU, furthermore, to make regular use of this opportunity and follow up responses to individual cases it has raised, monitor these cases, and closely coordinate with the human rights organisations involved and other countries which have human rights dialogues with the country in question;
50. 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;
51. Reiterates that women’s rights should be an important part of the human rights dialogues conducted by the EU and of the EU’s political dialogue with third countries with which cooperation or association agreements have been signed, in line with the human rights clauses in these agreements, and that women’s participation in peaceful transitions – both at the negotiating table and in active roles – should be expanded; calls on the Commission and the Council to take all appropriate measures in the event of any violation of these provisions;
52. Regrets that, despite all the calls from Parliament and other international institutions, Mikhail Khodorkovsky was sentenced in his second politicised and administratively motivated trial in Russia, which did not comply with the principles of a fair and independent judicial system, thus strongly violating human rights;

#### ***Human rights and democracy clauses***

53. 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 binding clauses on human rights and democracy, without exception; calls on the Commission to ensure a stricter enforcement of these clauses; reiterates the need to develop a single catalogue of human rights and democracy benchmarks for descriptive and evaluation purposes, recognised by all EU institutions; suggests that the implementation of the European Convention on Human Rights and other core international human rights conventions could constitute a viable element of such a human rights and democracy EU benchmark;
54. Asks the Commission not to be reluctant to use the suspension mechanism for standing agreements whenever the standard human rights clauses are repeatedly violated;
55. Stresses that the application of the clause as it currently stands in Free Trade Agreements (FTAs) due to come before Parliament in the near future provides an opportunity for

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; reiterates its call on 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; takes the view that the enforcement mechanism of the human rights and democracy clause, as requested by Parliament, is the only way to ensure the genuine implementation of such clauses and should be considered as a preventive and alerting mechanism, setting up a dialogue between the EU and the partner country, and to be followed up with a monitoring mechanism; recommends that a clear and gradual system of sanctions be developed, without prejudice to possible final suspension; insists strongly on the need for Parliament to be a joint decision-maker with the Commission and the Council in this respect;

56. 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;
57. Proposes the use of objective indicators and criteria in human rights impact studies and the assessment thereof;

### ***Trade and human rights***

58. Expects a comprehensive human rights chapter, in addition to social and environmental chapters, 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; stresses that the monitoring and enforcement mechanisms of the GSP+ scheme should be further strengthened; demands that the objectives of Corporate Social Responsibility (CSR) should be binding on European companies operating in countries with institutional weaknesses;

### ***European Neighbourhood Policy (ENP)***

59. 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 democracy, respect for fundamental freedoms, justice and 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’, expressing, among other points, the need for the establishment of the European

Endowment for Democracy, and ‘A partnership for democracy and shared prosperity with the Southern Mediterranean’, and the approach taken of shared commitments and mutual accountability as regards the universal values of human rights, democracy and the rule of law, stronger incentive-based conditionality, differentiation of policies, the advancing of multilateral and sub-regional cooperation and the principle of further involving civil society; stresses that the ‘Arab Spring’ would become a paradox if it were to develop in a direction that denies the fundamental human rights of women, human rights defenders, religious minorities and other societal groups in the Arab Spring countries;

60. Considers that since the ‘Arab Spring’ began, in-country NGOs and organised citizens have been playing a critical role in mobilising people and promoting their participation in public life, with the aim of informing people of their rights and empowering them to understand and embrace democracy; stresses that political priorities for future reforms will need to stem from participatory consultations with in-country NGOs and civil rights advocates; stresses the need to support democratic movements in the Eastern Neighbourhood, too; and welcomes the new approach to the ENP aimed at providing greater support for partners engaged in building deep and sustainable democracy and support for inclusive economic development, as well as strengthening the two regional dimensions of the European Neighbourhood Policy;
61. Supports a performance-based ‘more for more’ approach in line with the new vision of the ENP; 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; stresses that the funds that are not able to be allocated or transferred due to a negative evaluation should be redistributed to other projects undertaken in European Neighbourhood partner countries, in both Southern and Eastern dimensions;
62. Emphasises the crucial importance of active civil society participation in and contribution to processes of governance and societal transformation, recognising the need to include representatives of women’s and minority groups in such processes; strongly supports greater engagement with civil society in these processes, both in terms of ever-greater outreach and a stronger emphasis on including the views of civil society in policy-making; welcomes in this respect all the EU programmes that aim at training young professionals and simplifying student exchange programmes for third country nationals as these contribute effectively to the development of civil society; underlines the need for an independent structural and financial support for civil society; considers that, as in the case of the UPR process within the UNHRC, local and international civil society actors should be involved in the Commission’s ENP progress reports by delivering separately their own assessment to be added to these reports; welcomes moves towards the establishment of the Civil Society Facility (CSF) and the European Endowment for Democracy, and calls for substantial funding for these in the forthcoming Multi-annual Financial Framework; and insists that, in future, civil society must be engaged so as to contribute directly through an

institutionalised ‘civil society monitoring mechanism’;

63. Is deeply concerned that four European Neighbourhood partner countries have not signed the Optional Protocol to the UN Convention against Torture, 11 countries have not ratified it, and a further 14 have not designated the national preventive measures required; calls for urgent EU action to address this shortfall;
64. Believes that the promotion and support of non-violence reflects an international value that is an appropriate way of defending and promoting human rights from within, particularly considering that the non-violent methodology offers an effective outcome in terms of the prevention of conflict and support for democracy, rule of law and civil society around the world; proposes giving non-violence a role of relevance and political weight in the internal and external policies of the European Union with support for those initiatives that can sustain and develop non-violent and peaceful activism around the world with the dissemination of practical assistance to support non-violent activists and human rights defenders;

***External financial instruments, in particular the EIDHR***

65. 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;
66. 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; simultaneously stresses the need to eliminate current and avoid future double standards; 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;
67. Strongly recommends that within the future development instruments a special focus be put on thematic programmes, as they especially address human rights issues in order to promote mutually reinforcing bridges between development and human rights;
68. 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, eliminating current and avoiding future double standards; 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;

69. 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;
70. 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, conscience and religion or belief 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;
71. Underlines the fact that Parliament's prerogatives must be respected in the programming of the EIDHR and of the other instruments, with special emphasis on human rights and democracy; accordingly, firmly maintains that the Strategy Papers for these instruments 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***

72. 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, which indicates a strengthening of global support for abolition and a growing awareness among activists, judges, politicians and people in general; welcomes also 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;
73. Reiterates that the EU is opposed to the death penalty in all circumstances, and calls on the EU to continue using cooperation and diplomacy towards the abolition of the death penalty in all possible forums worldwide, in line with the EU Guidelines on the Death Penalty, and also to ensure that the right to a fair trial is fully respected for each and every person facing execution, without the use of torture and other ill-treatment used to extract confessions; recalls that the EU is the lead donor to civil society organisations which fight against the death penalty; asks the Commission to keep this cruel and inhuman punishment as a thematic priority under the EIDHR;
74. Stresses the importance for the EU to continue monitoring the conditions under which executions are carried out in those countries that still retain the death penalty, and to support legal and constitutional reform towards full and total abolition;
75. 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;

76. Welcomes the Commission's decision of 20 December 2011 to amend Regulation (EC) No 1236/2005 and thereby tighten export controls on certain drugs that can be used for executions and equipment that can be used for torture; calls on the Commission to tackle the remaining loopholes in the regulation by introducing an end-use catch-all clause that would prohibit the export of any drug that could be used for torture or executions;

### ***Arms Control***

77. 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; recognizes the particularly serious impact of small arms and light weapons on the enjoyment of children's rights and children's protection from violence; 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 monitoring its implementation at EU level; urges the EU to show leadership in the process to achieve an international Arms Trade Treaty at this year's UN Conference and to ensure that a robust, legally binding treaty is agreed;

78. Expresses deep concerns about the use of children as soldiers; calls for immediate steps to be taken by the EU for their disarmament, rehabilitation and reintegration as a core element in the EU policies that aim at strengthening human rights, child protection and the replacement of violence with political conflict resolution mechanisms;

### ***Torture and other cruel, inhuman and degrading treatment or punishment***

79. 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;

80. Calls on all Member States, the HR/VP and the EEAS to actively intervene on the issue of the human rights of detainees and to address the overpopulation of prisons in and outside the EU;

81. Underlines the importance of recognising gender-specific forms of torture and degrading forms of treatment (including female genital mutilation (FGM) and rape) and insists that the EU's coordinated efforts to counter torture adequately address the gender dimension;

82. 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;

83. Recalls the tragic case of Sergey Magnitsky, who was fighting against high-ranking corruption and was tortured to death by officials; regrets that the case is still not solved and that those responsible for Sergey Magnitsky's death have not been punished; urges the Russian judicial authorities to resume the investigation and to name and punish the guilty;

## *Human rights defenders*

84. Welcomes the EU's political commitment to supporting human rights defenders, as a long-established component of the EU's human rights external relations policy, and the many positive examples of demarches, trial observations, prison visits, and other concrete actions undertaken by EU missions and delegations, such as regular, institutionalised meetings with human rights defenders, 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;
85. Urges the EU and its Member States to encourage EU missions and delegations to show their support and solidarity for the work undertaken by human rights defenders and their organisations, by regularly meeting and proactively engaging with them and incorporating their contributions into the development of the specific country strategies on human rights and democracy, and regularly engaging with Parliament;
86. Reiterates its call on the EU to systematically raise individual cases of human rights defenders in the ongoing human rights dialogues it has with those third countries where human rights defenders continue to suffer harassment and attacks;
87. 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;
88. 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 EEAS and the Commission to explore this avenue further with the European Parliament;
89. Welcomes the commitment made by the European Parliament to enhance the role of the Sakharov Prize and to strengthen the Sakharov Network, and stresses the important role of this network in, among other things, animating inter-institutional co-operation in support of human rights defenders worldwide; calls on all EU institutions to exercise greater involvement and co-operation and, in this context, welcomes the reference to the Sakharov Prize in the Annual Report on Human Rights; repeats, however, its call on the Council and Commission to maintain contact with the Sakharov Prize candidates and laureates to ensure a continuing dialogue and monitoring of the human rights situation in their respective countries, to offer protection to those being actively persecuted, and to report back on this to the European Parliament;



90. Undertakes to include women's rights more systematically in its own human rights debates and resolutions and to use the Sakharov Prize network, and especially female winners of the Prize, to advocate women's rights in the world;

### *Women and human rights*

91. 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; and stresses the importance of ensuring victims access to multi-disciplinary holistic rehabilitation services that include any necessary combination of medical and psychological care as well as legal, social, communal, vocational, educational services, and interim economic support;

92. 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;

93. Welcomes the creation of UN Women, and calls on the EU to work closely with the institution at international, regional and national level to enforce women's rights; calls on the Commission and the Council to ensure that women in conflict situations have fair access to public healthcare systems and adequate gynaecological and obstetric care as defined by the World Health Organisation; stresses in particular the need to promote health education and appropriate programmes for sexual and reproductive health, which are a prominent part of the EU's development and human rights policy towards third countries;

94. Welcomes the Commission's Women's Charter, which promotes gender equality at both EU and international level, and the EU Plan of Action on Gender Equality and Women's Empowerment in Development for the period 2010-2015, and calls for efforts to achieve the MDG on gender equality and maternal health to be stepped up;

95. Is concerned that, in Egypt, the Supreme Council of the Armed Forces (SCAF) has failed to conduct an investigation into reports of sexual assault of female protesters, including the so-called 'virginity checks' and death threats against female protesters;

96. Welcomes the emphasis put on 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;

97. Calls on the HR/VP to promote equal geographically and gender-balanced 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;

98. 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 and the EU to quickly sign and ratify this Convention;
99. Strongly condemns female genital mutilation (FGM) as an anachronistic practice and a barbarian breach of the physical bodily integrity of women and girls, which must be combated with legislation banning the practice; 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; and calls on the EEAS to develop a specific toolkit on this issue as part of its implementation strategy of the EU Guidelines on children's rights and violence against women; congratulates African Heads of State for adopting, at the African Union Summit in July 2011, a Decision in support of a UNGA resolution banning FGM worldwide; also condemns and calls for specific measures to counter cruel, inhuman and degrading treatment such as forced abortion and forced sterilisation;
100. Strongly condemns forced marriage, a violation of human rights as set out in Article 16 of the Universal Declaration of Human Rights; calls on the Council to include the issues of 'forced marriages' and of "gender-selected" abortion in the EU guidelines on violence against women and girls; encourages the Commission and the Council to develop data-gathering methods and indicators on these phenomena, and encourages the EEAS to include these issues in the development and implementation of the human rights country strategies; on the issue of 'forced marriages', requests that Member States adopt and enforce legislation banning forced marriage and develop a common definition, the establishment of national action plans, and the exchange of good practices;
101. Recalls that the UN Human Rights Council resolution on preventable maternal mortality and morbidity and human rights and the Millennium Development Goals reaffirm that access to information, to education and to health care are basic human rights; stresses that the EU should therefore play an important role in ensuring that women do not die in pregnancy; calls for the Cairo Programme of Action to be implemented in its human rights and development policy aspects, to promote gender equality and women's and children's rights, including sexual and reproductive health and rights;

***Human rights, freedom of religion, and the persecution of Christians in the world***

102. Condemns severely any persecution based on religion or belief; remains committed to the realisation of freedom of religion in all parts of the world as part of enhanced EU efforts in its bilateral and multilateral action; restates its concern regarding full and effective respect for the right to freedom of religion for all religious minorities in a number of third countries; reiterates its call on the Council and Commission to urgently 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 actions that the

EU should undertake in these cases, and to involve Parliament, civil society organisations, and academics 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; maintains that freedom of assembly is a vital aspect of the right to freedom of religion or belief, and stresses that registration of religious groups should not be a prerequisite for practising one's faith; calls on the EU Fundamental Rights Agency to provide Parliament with accurate and reliable data on infringements of freedom of religion or belief in the European Union, and to advise as to how these could be tackled;

103. Stresses in particular the importance of engaging in a constructive dialogue with the Organisation of the Islamic Conference (OIC) on this issue; calls on the Council and the Commission to pay special attention to implementing the right to freedom of religion or belief in candidate and ENP countries, especially in the light of the Arab Spring; expresses its profound concern about the increasing number of acts of religious intolerance and discrimination in various countries; strongly condemns all acts of violence against Christian, Jewish, Muslim and other religious communities, as well as all forms of discrimination and intolerance based on religion and belief against religious people, apostates and non-believers; stresses once again that the right to freedom of thought, conscience and religion is a fundamental human right<sup>1</sup>; recognises the growing need in a number of countries for conflict transformation and reconciliatory efforts, including inter-faith dialogue at various levels, and urges the EU and HR/VP Ashton to address discriminatory and inflammatory content, e.g. in the media, and the issue of obstacles to the free profession of faith in its/her dialogues with third countries in the context of EU initiatives on human rights; considers that in third countries where religious minorities are faced with violations of their rights, such problems cannot be solved by protecting and isolating them 'from' the surrounding societies and thus creating 'parallel societies'; urges the EEAS and the EU Member States, in the light of recent events in countries such as Nigeria, Egypt and Indonesia, to put in place concrete actions to help prevent the emergence of a cycle of violence;
104. Urges the EEAS to develop a permanent capacity within the Global and Multilateral Directorate-General to mainstream the issue of freedom of religion or belief across the geographical directorates and units, as well as linking the issue into general human rights promotion within the same DG and advancing the issue in international and multilateral organisations; encourages the EEAS to report on an annual basis on progress on freedom of religion or belief in the world;
105. Invites the EEAS and other EU institutions to combat unacceptable practices such as forced conversions and the criminalisation/punishment for cases of so-called 'apostasy', applying pressure on third countries, such as Pakistan, Iran and Saudi Arabia that still carry out such practices, so that the practices are eliminated; calls for an equally firm stance against the instrumentalisation of blasphemy laws for the purpose of persecuting members of religious minorities;
106. Calls on the competent institutions to closely cooperate with the US Commission on International Religious Freedom in bilateral and multilateral fora, e.g. the UN Human

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<sup>1</sup> Texts adopted, P7\_TA(2010)0489.

Rights Council;

### ***Discrimination***

107. 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;
108. Welcomes the conclusion by the EU of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), and the adoption of the European Disability Strategy 2010-2020, in particular area of action 8; condemns all forms of discrimination based on disability, and calls for all states to ratify and implement the UNCRPD; points out that the EU also needs to monitor the implementation of the UNCRPD on its own territory; regrets the EU's inaction on human rights for persons with disabilities in the context of the EU-Africa Strategy;
109. Emphasises that traditional national minority communities have specific needs, which are different from other minority groups, and that there is a need to safeguard equal treatment of these minorities with regard to education, healthcare, social services and other public services; points also to the need to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority;
110. Calls on the EU to encourage the governments of developing countries to commit to land reform in order to secure the land titles of indigenous people, nomadic populations and small and medium-scale farmers, especially women, and to prevent land-grabbing practices by corporations; 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; encourages all Member States to follow the example of Denmark, the Netherlands and Spain and ratify ILO Convention 169 on Indigenous and Tribal peoples, in order to show their determination to provide them with tangible protection; supports current and ongoing campaigns for the ratification and implementation of ILO Convention 169 by non-signatory states, as a means of demonstrating, among other things, the EU's commitment to multilateralism and the United Nations;
111. Recommends initiatives for EU legislation to ensure that attention is paid in EU human rights policy and cooperation instruments to eliminating caste discrimination, and action in caste-affected countries, including Nepal, India, Bangladesh, Pakistan, Sri Lanka and Yemen;
112. Believes that new and existing funding lines for support to civil society and human rights defenders, particularly from indigenous communities, should have their budget increased; considers that they should also both demonstrate their ability to respond flexibly and speedily to crisis events and ongoing situations wherever they may be and optimise their value for money and impact;

### ***Children's rights***

113. Recalls the UN Convention on the Rights of the Child and the need to ensure the fullest protection of the rights enshrined therein and to prevent these rights from being eroded; welcomes the UNGA's adoption, on 19 December 2011, of the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, and calls on the Council and the Commission to accelerate efforts to achieve universal ratification of the Convention on the Rights of the Child and its Optional Protocols and to promote their effective implementation; calls, too, for decisive efforts to advance implementation of the EU Guidelines on the Promotion and Protection of the Rights of the Child and the EU's Strategy to combat All Forms of Violence against Children; calls on the HR/VP and the European External Action Service to include in EU Annual Reports on Human Rights a section on children's rights;
114. 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, and to the ritual murder of children as sacrifices; notes that the State has a responsibility to protect children from all forms of violence and abuse and, consequently, urges the EEAS to pay particular attention to the protection of children from all forms of violence and 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*

115. 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;
116. Urges the Council and the Commission to include, in accession negotiations, human rights dialogues and, in any contact regarding human rights, a call to end any hate speech in the media;
117. Notes that the internet, together with the social media, both offline and online, have become some of the most important vehicles through which individuals exercise their right to freedom of opinion and expression, and that they have played a crucial role in promoting human rights, democratic participation, accountability, transparency and economic development and new forms of public access; stresses at the same time, bearing in mind that not all parts of society, in particular the elderly and rural populations, have access to the internet, that human dignity must not come under attack, and condemns any other form of discrimination occurring in the social media; supports specific EU regulations and agreements with third countries that restrict access to communication and information through censorship, the shutting down of networks or the subordination of freedom of information to commercial interests; welcomes the potential shown by the internet and social networking in the Arab Spring developments; calls for increased monitoring of the use of the internet and new technologies in autocratic regimes that seek to limit them; calls for increased support in the areas of promoting the freedom of media, protecting independent journalists and bloggers, reducing the digital divide and facilitating

unrestricted access to information and communication and uncensored access to the internet (digital freedom);

118. Notes the potential shown by the internet in promoting and supporting the revolutions of the ‘Arab Spring’; notes, however, that ICTs can also be misused to violate human rights and fundamental freedoms and calls, therefore, for increased monitoring of the use of the internet and new technologies in autocratic regimes that seek to limit them; welcomes the Commission initiative on the ‘No Disconnection Strategy’; invites the Commission to submit, during the course of 2013 at the latest, smart regulatory proposals, including increased transparency and accountability for EU-based companies, in order to improve the monitoring of the export of products and services aimed at blocking websites, mass surveillance, monitoring all internet traffic and (mobile) communications, breaking into private conversations and transcribing them, 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, to disseminate pro-government propaganda and to monitor opponents and the population in general as well as the societies of other Member States who have sold telecommunications technologies and information to other third countries such as Libya, Tunisia etc; believes telecommunications and internet service providers and software developers must learn the lessons of past mistakes, and should engage with policymakers, NGOs and activists in an open dialogue in order to set common minimum standards for human rights impact assessments and increased transparency;
119. Welcomes the inclusion of a ban on the export of technologies and services in the EU’s restrictive measures against the governing authorities in Syria; notes that this ban should become a precedent for future restrictive measures against other repressive regimes, in particular vis-à-vis Iran; notes, however, that EU policies should be precise in order to be effective and not to hurt human rights defenders;
120. Notes that new technologies also allow witnesses and human rights defenders to collect information and share documentation of human rights abuses which may later be used to secure justice for victims; welcomes multi-stakeholder initiatives and codes of conduct such as the Global Network Initiative; notes however that democratic oversight and the defence and promotion of fundamental rights are core tasks of government; calls on the Commission 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;

### ***Business and human rights***

121. 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;
122. Calls on the Commission and the Member States to check that companies which come under national or European law do not disregard the human rights and social, health and environmental standards they are subject to when moving to or carrying out their activities

in a third country;

123. Recalls, furthermore, that support for human rights and democracy is closely linked with the promotion of transparency and good governance; takes the view, in this regard, that tax havens and offshore jurisdictions play a detrimental role in the fight against corruption and political accountability in developing countries; demands that the EU foster the ratification and implementation of the UN Convention Against Corruption in the EU and worldwide in the context of EU support for good governance programmes in third countries;
124. 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; stresses the crucial role of the national human rights institutions and the cooperation of those bodies in the EU and Neighbourhood Countries in taking forward the implementation of the UN Guiding Principles on Business and Human Rights as recognised in, among other places, UN Human Rights Council Resolution 17/4; welcomes initiatives aimed at transferring good practice, coordinating and animating cooperation between the EU and Neighbourhood national human rights institutions, such as the programme for cooperation between Ombudsmen from Eastern Partnership countries 2009-2013 that was jointly set up by the Polish and French Ombudsmen with a view to enhancing the capacity of Ombudsmen's offices, government bodies and non-governmental organisations in Eastern Partnership countries to protect individual rights and build democratic states based on the rule of law; stresses the need for such action to be coordinated within the EU and for the EU institutions to draw on the experience gained in connection therewith;
125. 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;
126. Believes that disclosure by large companies of social and environmental information, including human rights impacts, is vital to transparency and to these companies' effectiveness; welcomes the aim of the International Integrated Reporting Council (IIRC) to develop a globally accepted integrated reporting framework;
127. 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;
128. 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 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;

129. Supports the increasing promotion of women onto executive boards at national, European and international levels;

### ***Enhancing the European Parliament's actions on human rights***

130. Reiterates its appeal to the Council and the Commission to systematically take up Parliament's resolutions and other communications, responding in a substantive manner; proposes that Parliament consider establishing a systematic mechanism to ensure a more effective and tangible follow-up to its decisions;

131. Recognises the need for human rights concerns to be mainstreamed through the work of all parliamentary committees and delegations dealing with external relations, including applying the recommendations made in reports prepared by ad hoc Working Groups of the European Parliament; recommends that Members of the European Parliament systematically meet with human rights defenders during official missions to third countries, including with imprisoned activists wherever possible, 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;

132. 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

133. Warmly welcomes the review of the EU's human rights and democratisation policy, outlined in the Joint Communication of 12 December 2011, 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;

134. 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;

135. 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; therefore stresses that the EU needs to support and involve the governments, parliaments and civil society in the process of respecting and monitoring human rights; 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 and a readmission agreement with Libya, about which the European Parliament was not adequately informed, despite evidence of the murder of 1 200 prisoners over a decade before and a litany of torture, enforced disappearances and extrajudicial executions; at the same time reiterates the fact that the EU’s partnership in democratisation processes and economic prosperity in the South needs to run in parallel with its engagements in the Eastern neighbourhood; stresses that the funds that could not be allocated or transferred to the European Neighbourhood countries due to a negative evaluation, should be redistributed to other projects taking place in European Neighbourhood partner countries both in Southern and Eastern dimension;

#### Process

136. 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;

137. 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

138. 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;

139. 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;

140. 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;
141. Is more specifically concerned by the deterioration of the situation in Turkey and the increasing repression faced by human rights defenders and government opponents, including elected representatives, trade unionists, journalists, artists and, in particular, against the Kurdish community;
142. Supports the EU concept of 'deep democracy' developed by the High Representative; regrets that non-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 the rights of women and minorities, equal citizenship and equal political participation;
143. 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;
144. 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;
145. 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;
146. 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; reaffirms that the EU counter-terrorism policy should specifically reference the prohibition of torture in the context of counter-terrorism, as recognised in the Council conclusions of 29 April 2008;
147. 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;

148. 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;
149. Considers it part of building a real culture of human rights and democracy, particularly through education for democratic citizenship and human rights, 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;
150. 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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151. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the governments and parliaments of the Member States and the candidate countries, the United Nations, the Council of Europe and the governments of the countries and territories referred to in this resolution.

1.03.2012

## **OPINION OF THE COMMITTEE ON DEVELOPMENT**

for the Committee on Foreign Affairs

on the Annual Report on Human Rights in the World 2010 and the European Union's Policy on the matter, including implications for the EU's strategic human rights policy (2011/2185(INI))

Rapporteur: Cristian Dan Preda

### **SUGGESTIONS**

The Committee on Development calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Welcomes the special relevance assigned to human rights, democracy and the rule of law in the Communication on Increasing the Impact of EU Development Policy: an Agenda for Change<sup>1</sup>, and stresses that democracy, respect for human rights and fundamental freedoms, good governance, peace and security are prerequisites for – and have a synergetic and mutually reinforcing relationship to – development, the reduction of poverty and the achievement of the Millennium Development Goals;
2. Urges the EU to undertake additional efforts, mainstream more effectively human rights and democracy across development cooperation and ensure that EU development programmes contribute to the fulfilment by partner countries of their international human rights obligations; also asks that human rights and democracy be integrated into programmes linking relief, rehabilitation and development (LRRD), because of their vital importance in the process of transition from humanitarian emergency to development;
3. Is of the view that lessons should be drawn from popular uprisings for democratic change in northern Africa in order to address the underlying problems, ranging from high unemployment, rising food prices, persistent corruption, denial of basic human rights including social and economic rights, as well as limited participation of citizens in decision-making through dialogue;

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<sup>1</sup> COM(2011)0637.

4. Underlines the universality, indivisibility and interdependence of all human rights, including as well the rights set out in the UN Social Responsibility Pact, such as the rights to appropriate nutrition, minimum social standards, education, health care, just and favourable working conditions and participation in cultural life, which should all be treated equally; underlines in this respect the importance of the International Covenant on Economic, Social and Cultural Rights, which should be taken into account in conformity with Article 21 of the Lisbon Treaty, General Provisions on the Union's External Action;
5. Reaffirms the importance of a human rights-oriented development policy and calls on the EU to set specific, measurable, achievable and time-bound objectives for human rights and democracy in its development programmes;
6. Urges the EU to apply the principles of the 1998 Aarhus convention on Access to information, Public Participation in decision-Making and Access to justice in Environmental Matters in its international environmental decision-making processes in order to guarantee transparency and public access to information and thereby to facilitate for parliaments, civil society and other stakeholders to carry out their duty of scrutiny in the name of good governance,
7. Welcomes the new strategy put forward in the Joint Communication on Human Rights Policy and Democracy at the heart of EU external action – towards a more effective approach<sup>1</sup>, according to which development cooperation is part of an integrated approach to human rights across the whole spectrum of EU policies;
8. Notes that the 2010 Annual Report on Human Rights in the World does not include a specific section on development; stresses, especially after the entry into force of the Lisbon Treaty and given the current integrated strategy on human rights, that a thematic section in the Annual Report should be devoted to 'human rights and development';
9. Strongly recommends that within the future development instruments a special focus be put on thematic programmes, as they especially address human rights issues in order to promote mutually reinforcing bridges between development and human rights;
10. Requests greater complementarity and coherence in the planning of projects and actions of the European Instrument for Democracy and Human Rights (EIDHR) and the other Financial Instruments;
11. Calls on the EU to focus its development assistance on strengthening institution-building and civil society development of recipient countries, as those elements are crucial for good governance, as well as for ensuring accountability and ownership of development processes; calls for a strengthening of the human rights and conditionality clauses in EU-supported programmes;
12. Takes the view that budget support should be more closely linked to the human-rights record and governance situation of recipient countries; reiterates its call for establishing more detailed criteria in this respect for the award of budget support;

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<sup>1</sup> COM(2011)0886.

13. Calls for an increase in financing for the implementation of European support mechanisms for democracy and human rights, as they are concrete means for the EU to promote democracy and human rights in the context of its cooperation with third countries;
14. Stresses that the EU should ensure that its actions in the field of development policy, peace-building, conflict prevention and international security are mutually reinforcing; underlines, in this context, the necessity of devising appropriate strategies for countries in situations of fragility;
15. Underlines that the right to development is a key element in scrutinising policy coherence for development;
16. Calls on the European External Action Service and the Commission to seek new ways to ensure better linkages between dialogues on human rights with partner countries and development cooperation.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	29.2.2012
<b>Result of final vote</b>	+: 27 -: 1 0: 0
<b>Members present for the final vote</b>	Ricardo Cortés Lastra, Nirj Deva, Leonidas Donskis, Charles Goerens, Filip Kaczmarek, Franziska Keller, Miguel Angel Martínez Martínez, Gay Mitchell, Norbert Neuser, Bill Newton Dunn, Maurice Ponga, Birgit Schnieber-Jastram, Michèle Striffler, Eleni Theoharous, Patrice Tirolien, Ivo Vajgl, Daniël van der Stoep, Anna Záborská, Iva Zanicchi, Gabriele Zimmer
<b>Substitute(s) present for the final vote</b>	Agustín Díaz de Mera García Consuegra, Enrique Guerrero Salom, Isabella Lövin, Gesine Meissner, Cristian Dan Preda, Bart Staes, Patrizia Toia
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Zita Gurmai

1.3.2012

## **OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY**

for the Committee on Foreign Affairs

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))

Rapporteur: Teresa Jiménez-Becerril Barrio

### **SUGGESTIONS**

The Committee on Women's Rights and Gender Equality calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- having regard to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol,
- having regard to the UN Declaration on the Protection of Women and Children in Emergency and Armed Conflict, and to Security Council Resolutions 1325 (2000) and 1820 (2008),
- having regard to the European Union guidelines on violence against women and girls and combating all forms of discrimination against them,
- having regard to the 'Action-Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings: Towards Global EU Action against Trafficking in Human Beings',
- having regard to the Commission's Women's Charter,
- having regard to the Recommendation of the Council of Europe Committee of Ministers on measures to combat discrimination on grounds of sexual orientation or gender identity (CM/Rec(2010)5) and to the recommendation and resolution of the Parliamentary Assembly of the Council of Europe on the same topic (Recommendation 1915 and Resolution 1728 respectively),



- A. whereas women's rights, as recognised by international conventions and legal standards, should systematically be made the cornerstone of all bilateral relations, particularly those with third countries with which the EU has signed association and cooperation agreements;
  - B. whereas violence and/or discrimination against women cannot be justified on any political, religious or cultural grounds;
  - C. whereas the term 'violence against women' is to be understood as any act of gender-based violence which results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion and arbitrary deprivation of liberty, whether occurring in public or private life;
  - D. whereas, unacceptably, sexual violence in the form of mass and ethnic rapes, human trafficking and other forms of sexual abuse of women and children is still used as a war tactic by armed forces in conflict regions around the world, including as 'spoils of war', with perpetrators of sexual violence taking advantage of conflict situations; whereas rape in wartime has been recognised by the United Nations as a crime against humanity, and whereas since 2008 the United Nations Security Council has been committed to combating the use of sexual violence as a war tactic;
  - E. whereas the importance of women's involvement and of a gender perspective is underlined by the fact that, where more women are engaged in conflict resolution and peace-building processes, they play a key role in peace negotiations, broadening the scope of reconstruction, rehabilitation and peace consolidation;
  - F. whereas various forms of abuse of women continue to occur, but often go unreported because they are perpetrated by members of the victim's immediate family;
1. Welcomes the European Commission Women's Charter, which promotes gender equality at both EU and international level, and the EU Plan of Action on Gender Equality and Women's Empowerment in Development for the period 2010-2015, and calls for efforts to achieve the MDG on gender equality and maternal health to be stepped up;
  2. Stresses in particular the need to promote health education and appropriate programmes for sexual and reproductive health, which are a prominent part of the EU's development and human rights policy towards third countries;
  3. Calls on the Commission and the Council to ensure that women in conflict situations have fair access to public healthcare systems and adequate gynaecological and obstetric care as defined by the World Health Organisation;
  4. Expresses its deep concern about entrenched gender-based discrimination and domestic violence in both urban and rural areas in several third countries, the high rates of sexual violence and rape of women and girls in South Africa, inadequate investigations (which are often obstructed by gender bias), obstacles to access to healthcare, and delays in providing medical treatment to victims;
  5. Asks for women's rights to be taken better into account in all external action policies and

financial instruments with a view to increasing gender mainstreaming through geographic and thematic programmes and to better coordination among the instruments; takes the view that equality between men and women and the protection of women's human rights should be fully enshrined in all relevant areas of the EU's external action policy and all actions and programmes falling within it;

6. Calls on the Commission and the Member States actively to promote non-discrimination with reference to sex, race, ethnic origin, religion or belief, disability, age or sexual orientation in its foreign policy, including through the European Instrument for Democracy and Human Rights (EIDHR);
7. Welcomes the 'toolkit' adopted by the Council's working party on human rights in 2010 with the aim of helping the EU institutions, the Member States, the delegations and other bodies to react swiftly when the human rights of LGBT people are violated; calls on the Commission to address the structural causes of such violations;
8. Reiterates that women's rights should be an important part of the human rights dialogues conducted by the EU and of the EU's political dialogue with third countries with which cooperation or association agreements have been signed, in line with the human rights clauses in these agreements, and that women's participation in peaceful transitions – both at the negotiating table and in active roles – should be expanded; calls on the Commission and the Council to take all appropriate measures in the event of any violation of these provisions;
9. Is deeply concerned about the rise of gender-based violence in many parts of the world, which is one of the symptoms of the worldwide crisis, and especially about the increasing incidence of femicide (the homicide of women and girls) in some Latin American countries, which is taking place against a backdrop of generalised violence and structural discrimination; strongly condemns all kinds of gender-based violence and the aberrant crime of femicide, along with the prevailing impunity for such crimes, which further encourages the murderers;
10. Calls on the Commission and the EEAS to establish clear lines of responsibility between themselves and to coordinate relevant actions on the part of the EU delegations with those of Member States' embassies in the countries concerned, with a view to translating the declaration made by the Vice-President/High Representative, Catherine Ashton, on femicide into concrete policies to which sufficient resources are allocated; likewise calls on the Commission to provide political and financial support for the work of the Inter-American System of Human Rights on the issue of femicide, and to contribute to the implementation of its judgments;
11. Supports the Latin American states when it comes to fulfilling their obligation of due diligence in terms of preventing, monitoring, investigating and prosecuting femicide, imposing sanctions and providing compensation; calls on the Commission to raise this topic on a regular basis within political dialogues, in particular the existing human rights dialogues, and to offer cooperation in looking for ways to eliminate violence against women and femicide, in the context of the bi-regional partnership;
12. Urges the Commission and Council, therefore, to further encourage third countries to

make express provision for women's rights in their legislation, to guarantee that these rights are respected, and to implement gender-sensitive policies and mechanisms to give women greater involvement in decision making in public life, be it political, economic or social;

13. Calls on the Commission to make the issue of women's rights central to the negotiations with all candidate countries, without exception, to remind the Turkish authorities that the persistent severity of violence against women, including honour killings and early and forced marriages, remains a major issue for Turkey, to stop overlooking the ineffectiveness of remedies and the Turkish authorities' lenience and failure to punish the perpetrators effectively, to urge the Turkish Government to speed up reforms, introduce gender equality and anti-violence programmes at all levels of the education system and train public officials, the police, the judiciary and civil society, and to ask Turkey to implement effective prevention, protection and prosecution policies and deliver tangible progress in terms of respecting and implementing women's rights; maintains, furthermore, that Turkey should comply with its international obligations under, for example, the Convention on the Elimination of All Forms of Discrimination against Women, the Cairo Programme of Action, the Beijing Platform for Action and the UN Millennium Declaration;
14. Calls on the Commission and the Member States to address violence against women and the gender-related dimension of human rights violations internationally, in particular in the context of the bi-lateral association and international trade agreements in force and those under negotiation;
15. Underlines the fact that the aims of political dialogue should also include the waiving of all reservations to the CEDAW and the ratification of its Optional Protocol by all partner States;
16. Recognises the positive role played by the EIDHR in protecting women's rights and women's rights defenders, and welcomes the regional and thematic awareness-raising campaigns organised as part of the fight against stereotypes, discrimination and domestic violence, in line with the EU guidelines on violence against women and girls, on sexual violence against women in conflict, forced and early marriage, female genital mutilation and women's participation in democratic process;
17. Calls, nevertheless, on the Commission to make further use of the EIDHR in order to address all forms of physical, social and psychological violence against women, as well as to develop measures to reinforce women's rights and their position in society;
18. Stresses the need to intensify efforts, at both grass-roots and policy level, to eliminate female genital mutilation and all traditions and practices which harm women and the girl-child, highlighting the fact that such practices constitute a severe violation of the human rights and physical integrity of women and girls, and calls on the Member States to adopt the UN initiative to institute a world day against female genital mutilation;
19. Supports all women around the world who are fighting for women's rights, and takes particular note of recent events in Saudi Arabia, where a growing number of women are driving cars and striving for equality;

20. Calls on the Commission and the Member States to review and improve significantly the provisions set out in the proposal for a new Multiannual Financial Framework 2014-2020 with regard to gender equality in the context of external relations;
21. Calls on the Commission to set up a European Observatory on Violence against Women;
22. Recalls that Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of mass rapes, human trafficking and other forms of sexual abuse of women and children or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, and Directive 2009/52/EC of the European Parliament and the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals are useful tools for the protection of victims of trafficking and should be fully implemented;
23. Underlines that failure to register children, especially girls, is the first denial of their rights; calls on the Commission, therefore, to support registration of births in third countries where necessary; emphasises the need to promote the recognition of mothers' right to receive protection and support and to care for and bring up their children, along with the need to promote women's health and economic security;
24. Calls for an increased focus on, and better financing of, programmes aimed at ensuring access to education for all girls (bearing in mind that keeping girls in education is a cornerstone when it comes to building more gender-equal societies), promoting women's economic independence and reducing sexual exploitation of girls and women worldwide;
25. Underlines that working towards increased access to sexual and reproductive rights and health services is an important part of safeguarding women's human rights; calls on the EU, in this connection, to step up its work on achieving the Millennium Development Goals in terms of improving maternal health, including through access to information, modern contraception and a range of reproductive health services; urges the Commission to pursue this aim in all its international development policy action;
26. Acknowledges the role of the EIDHR and other instruments in democracy building in third countries and recalls that democracy entails the full participation of women in public life, as shown in the aftermath of the Arab Spring and as stated in international and regional instruments such as the Protocol to the African Charter on Human and Peoples' Rights on the rights of women in Africa;
27. Supports the Commission in the area of healthcare, particularly with regard to the prevention of HIV and AIDS, and asks that it emphasise the need for health education, especially for women who are pregnant or breastfeeding;
28. Welcomes the presence of a gender expert in most of the EUEOMs and the attention given to women's participation in electoral processes and calls for the necessary measures to be put in place to ensure their inclusion in all EUEOMs;
29. Calls for the conclusions of the EUEOM reports on women's political participation in electoral processes to be channelled into geographical and thematic programmes in the

countries concerned;

30. Welcomes the creation of UN Women and calls on the EU to work closely with the institution at international, regional and national level to enforce women's rights;
31. Emphasises that women must have control over their sexual and reproductive rights, notably through easy access to contraception and abortion; points out that the right to reproductive health is an integral element of human rights; underlines that reproductive rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health, and that they include the right of all to make decisions concerning reproduction free of discrimination, coercion and violence (WHO definition);
32. Strongly supports the inclusion of Gender Advisors or Gender Focal Points in EU delegations and Common Security and Defence Policy (CSDP) missions, and calls on the HR/VP to provide them with adequate resources and authority;
33. Calls for specific support from the European Institute for Gender Equality (EIGE) as regards the collection, processing and dissemination of effective gender mainstreaming practices in the implementation of the Beijing indicators in the area of women's rights;
34. Undertakes to include women's rights more systematically in its own human rights debates and resolutions, and to use the Sakharov Prize network, and especially female winners of the Prize, to advocate women's rights in the world;
35. Calls on the Commission to combat gender-selective abortion, the infanticide of girl babies and all other harmful traditions – still pervasive in many societies – which promote the image of daughters as a burden and of sons as financial providers; asks the Commission to use its development and aid budget for this purpose;
36. Calls on the Commission to work to prevent gender-biased sex selection, not through any restrictions on access to reproductive health services and technology, but through intensified efforts to end structural discrimination against women and girls, including by abolishing sex-discriminatory legislation, empowering women and girls through education and addressing policies on aspects such as inheritance, dowries, the financing of old age, other personal security issues and the determination of surnames;
37. Calls on the Commission to promote the active participation in all cooperation and development programmes of NGOs engaged in promoting the rights and conditions of women;

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	28.2.2012
<b>Result of final vote</b>	+:               27 -:                2 0:                1
<b>Members present for the final vote</b>	Regina Bastos, Edit Bauer, Andrea Češková, Edite Estrela, Iratxe García Pérez, Sophia in 't Veld, Teresa Jiménez-Becerril Barrio, Nicole Kiil-Nielsen, Silvana Koch-Mehrin, Constance Le Grip, Astrid Lulling, Elisabeth Morin-Chartier, Siiri Oviir, Raúl Romeva i Rueda, Joanna Senyszyn, Joanna Katarzyna Skrzydlewska, Britta Thomsen, Angelika Werthmann, Marina Yannakoudakis, Anna Záborská, Inês Cristina Zuber
<b>Substitute(s) present for the final vote</b>	Vilija Blinkevičiūtė, Kent Johansson, Christa Klaß, Kartika Tamara Liotard, Ana Miranda, Mariya Nedelcheva, Katarina Neved'alová, Antigoni Papadopoulou, Sirpa Pietikäinen

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	22.3.2012
<b>Result of final vote</b>	+: 45 -: 2 0: 0
<b>Members present for the final vote</b>	Frieda Brepoels, Mário David, Michael Gahler, Ana Gomes, Andrzej Grzyb, Richard Howitt, Anna Ibrisagic, Liisa Jaakonsaari, Nicole Kiil-Nielsen, Evgeni Kirilov, Andrey Kovatchev, Eduard Kukan, Vytautas Landsbergis, Krzysztof Lisek, Francisco José Millán Mon, Annemie Neyts-Uyttebroeck, Norica Nicolai, Ria Oomen-Ruijten, Ioan Mircea Pașcu, Alojz Peterle, Bernd Posselt, Fiorello Provera, Libor Rouček, José Ignacio Salafranca Sánchez-Neyra, Nikolaos Salavrakos, Jacek Saryusz-Wolski, György Schöpflin, Werner Schulz, Marek Siwiec, Charles Tannock, Inese Vaidere, Geoffrey Van Orden, Boris Zala
<b>Substitute(s) present for the final vote</b>	Laima Liucija Andrikiienė, Corina Crețu, Andrew Duff, Kinga Gál, Elisabeth Jeggle, Barbara Lochbihler, Emilio Menéndez del Valle, Nadezhda Neynsky, Marietje Schaake, Alf Svensson, Traian Ungureanu, Janusz Władysław Zemke
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	María Auxiliadora Correa Zamora, Leonidas Donskis