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B5-0050/2004

## **MOTION FOR A RESOLUTION**

further to the Council and Commission statements

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

by Elmar Brok

on behalf of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy

on the EU's rights, priorities and recommendations for the 60th Session of the UN Commission on Human Rights in Geneva (15 March to 23 April 2004)

**B5-0050/2004**

**European Parliament resolution on the EU's rights, priorities and recommendations for the 60th Session of the UN Commission on Human Rights in Geneva (15 March to 23 April 2004)**

*The European Parliament,*

- having regard to the 60th Session of the UN Commission on Human Rights (UNCHR), which will be held in Geneva from 15 March to 23 April 2004,
  - having regard to the EU Treaty and its provisions on human rights,
  - having regard to the Charter of Fundamental Rights of the European Union,
  - having regard to the Commission communication to the Council and the European Parliament on the European Union's role in promoting human rights and democratisation in third countries (COM(2001) 252) and its resolution of 25 April 2002<sup>1</sup> on that communication,
  - having regard to its resolution of 4 September 2003 on human rights in the world in 2002 and European Union human rights policy<sup>2</sup>,
  - having regard to its previous resolutions on the UN Commission on Human Rights since 1996,
  - having regard to its resolution of 29 January 2004 on the relations between the EU and the United Nations<sup>3</sup>,
  - having regard to Rule 37(2) of its Rules of Procedure,
- A. whereas one of the main objectives of the European Union must be to uphold the universality and indivisibility, as well as the interdependent and interrelated nature of all human rights, including civil, political, economic, social and cultural rights,
- B. whereas the protection and promotion of human and fundamental rights are among the most fundamental principles of the Union,
- C. whereas the promotion and defence of human rights, democracy and the rule of law are a high priority for the European Union in all its relations with third countries, in particular in its Common Foreign and Security Policy and in its Development and Cooperation policy,
- D. strongly condemning the assassination of the High Commissioner for Human Rights, Mr

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<sup>1</sup> OJ C 131 E, 5.6.2003, p. 147.

<sup>2</sup> P5\_TA(2003)0375.

<sup>3</sup> P5\_TA-PROV(2004)0037.

Sérgio Vieira de Mello, along with members of the UN team in Baghdad on 19 August 2003,

- E. whereas the UNCHR is the main UN body for the promotion and protection of human rights around the world,
- F. welcoming the European Union initiatives tabled at the 59th session of the UNCHR, including 11 country resolutions and 2 thematic resolutions, and the numerous resolutions it co-sponsored, making the EU one of the most active players at the UNCHR,
- G. welcoming the re-introduction of resolutions on the DRC, Burma, Burundi, East Timor, the Middle-East conflict<sup>1</sup> and Colombia, and new initiatives adopted on Belarus, North Korea and Turkmenistan,
- H. concerned that resolutions were not adopted on the following countries in relation to which the European Parliament had called on the European Union to sponsor or co-sponsor texts: China, in particular addressing the situation in Tibet and Xinjiang, Algeria, Tunisia, Libya, Saudi Arabia, Indonesia, the Central African Republic, Côte d'Ivoire, Iran and Nepal,
- I. concerned by the fact that the resolutions on Sudan, Chechnya and Zimbabwe sponsored by the EU were rejected at the 59th session of the UNCHR,
- J. concerned in particular by the motion of 'no-action' adopted at the initiative of South Africa on Zimbabwe and by the absence of any reference in the resolution on Cuba to the 78 peaceful pro-democracy activists condemned to long prison sentences in April 2003,
- K. welcoming the fact that the 59th UNCHR session forcefully condemned the death penalty and made clear that the execution of juveniles is absolutely prohibited by international law,
- L. welcoming the unanimous decision to renew the mandate of the Special Representative of the Secretary-General of the United Nations on Human Rights Defenders,
- M. whereas the fight against terrorism should not be used by any government to act against the legitimate exercise of basic human rights and democratic principles, and must ultimately contribute to the strengthening of the rule of law and these fundamental principles,
- N. whereas the fact that there is a human rights dialogue between the EU and a third country should not prevent the EU from either submitting a resolution on the human rights situation in that country or providing support for an initiative by the third country,
- O. whereas a permanent and constructive interinstitutional dialogue between the European Parliament, the Commission and the Council is essential to give consistency and

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<sup>1</sup> Situation in occupied Palestine (2003/3), human rights in the occupied Syrian Golan (2003/5), question of the violation of human rights in the occupied Arab territories, including Palestine (2003/6), Israeli settlements in the occupied Arab territories (2003/7), human rights situation of the Lebanese detainees in Israel (2003/8).

coherence to the action of the European Union at the 60th UNCHR session,

- P. welcoming the very recent Sana'a Declaration on democracy, human rights and the role of the International Criminal Court, adopted by the representatives of all the Arab countries and the countries of the Horn of Africa,
1. Reaffirms that respecting, promoting and safeguarding the universality of human rights is part of the European Union's ethical and legal acquis and one of the cornerstones of European unity and integrity;
  2. Calls on the Council and the Commission to work for the universal ratification of all human rights instruments;
  3. Welcomes the work done by the European Union in favour of the universal ratification of the Rome Statute of the International Criminal Court, and the Common Position adopted in June 2003<sup>1</sup>, and calls on the Union to continue its work;
  4. Calls on the Presidency and Member States to request that, as a prerequisite for membership of the UNCHR, governments should have ratified core human rights treaties, complied with their reporting obligations, issued open invitations to the UN human rights experts and not have been condemned by the UNCHR for human rights violations;
  5. Calls on the EU Member States, in view of the role played by the EU and its Member States in bringing about the Sana'a Conference, to sponsor a resolution, in agreement with the states which adopted the Sana'a Declaration, endorsing its content and promoting the necessary follow-up;
  6. Calls, in particular, on new members of the UNCHR to use their term on the UNCHR to demonstrate their commitment to human rights;
  7. Calls on the Council and the Commission to support the UN in its efforts to send human rights Special Rapporteurs to countries where human rights violations are taking place, in particular countries which have close ties with the EU;
  8. Calls on the Presidency and the Member States to sponsor or co-sponsor a resolution to strengthen the special procedures of the UNCHR, including through allocating adequate resources to assist their effective functioning;
  9. Reaffirms its concern at the fact that the value of the UN Commission on Human Rights risks being substantially diminished by its regrettable tendency to become highly politicised; regrets that debates and resolutions in previous years did not reflect the human rights situation but rather the mobilisation of support for countries that were accused of human rights violations, and that no-action motions against resolutions often succeeded, following high profile campaigns by the countries concerned; urges that all the necessary reform measures be taken to reverse the politicisation process and thereby maintain the credibility of this important forum;

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<sup>1</sup> OJ L 150, 18.6.2003, p. 67.

10. Calls on the Council Presidency to sponsor or co-sponsor a resolution to create an effective system for monitoring and evaluating the implementation by governments of recommendations from the Commission and the Special Procedures in order to achieve greater accountability by states;

11. Reaffirms the need for strengthened consultation, cooperation and coordination between the EU and the UN, in particular the UNCHR;
12. Reiterates its recommendation that arrangements be sought with the Council and the Commission to allow the President of the European Parliament to make a policy statement on behalf of the EP at the 60th session;
13. Calls on the EU to promote an initiative within the CHR on the extremely serious situation regarding the rule of law and justice in Russia, as highlighted by the Russian authorities' alarming attitude towards Mr Khodorkovsky and other persons accused in the Yukos affair and all the abuses committed during legal proceedings;
14. Calls on the Council, the Member States and the EU Commission to strengthen the activities of the UN Commission on Human Rights as well as those of the UN Sub-Commission on the Promotion and the Protection of Human Rights dedicated to indigenous issues, in particular the Working Group on Indigenous Populations;
15. Calls on the EU to sponsor or co-sponsor resolutions on China (in particular addressing the situation in Tibet and Xinjiang), Iran, Pakistan, India (in particular addressing the situation in Gujarat), Indonesia (in particular in Aceh and Papua), Nepal, North Korea, Vietnam, Colombia, Cuba, Haiti, Iraq, the Israeli Occupied Territories and the area under the Palestinian Authority, Algeria, Tunisia, Morocco, Libya, Saudi Arabia, the Central African Republic, Côte d'Ivoire, Cameroon, the Democratic Republic of Congo, Togo, Zimbabwe, Sudan, Chechnya, Belarus, Turkmenistan and Uzbekistan;
16. Regrets in this connection that the European Union has so far lacked the political will to manage the initiative in favour of a universal moratorium on executions at the UN General Assembly, as repeatedly requested by Parliament and as the Italian Presidency had announced; points out that such inappropriate behaviour only serves to weaken the position of the EU as a whole and to lessen the chances of success of what is nonetheless a timely initiative;
17. Calls on all states that retain the death penalty to act in accordance with Resolution 2003/67 adopted at the 59th session of the UNCHR,
18. Calls on the Council and the Commission to give due attention to the question of impunity in respect of violations of international human rights and humanitarian law;
19. Calls on the Presidency to sponsor or co-sponsor resolutions on: human rights and terrorism, impunity, independence of the judiciary, administration of justice, torture and detention, disappearances and summary executions, rights of the child, rights of women (in particular reproductive rights), human rights defenders, freedom of the press and protection of journalists, protection of internally displaced persons, religious intolerance, indigenous peoples, modern forms of slavery, and sexual orientation;

20. Calls on the Presidency to sponsor a resolution calling on the US to immediately clarify the situation of the prisoners in Guantánamo in respect of international human rights standards and humanitarian law, and consequently either to put them on trial or to release them; reiterates its call for a UN monitoring mechanism to be established in order to monitor and analyse the human rights impact of counter-terrorism measures in all countries;
21. Calls on the EU to sponsor a resolution calling on the US to guarantee a trial for Saddam Hussein which respects international judicial standards of openness and fairness, such as by an internationally led tribunal;
22. Calls on the EU to sponsor a resolution on the situation of the Dalits, as well as on the dowry-related murder of women in Asia;
23. Calls specifically on the Presidency to act in favour of the Brazilian initiative on discrimination on grounds of sexual orientation and gender identity by signing and gathering other countries' support for the resolution tabled by Brazil, and to ensure that the issue stays on the agenda;
24. Calls on the Presidency, the Commission and the Member States to make more determined representations to all the parties concerned and within the competent United Nations bodies with a view to achieving the release of all Moroccan prisoners of war held by the Polisario Front on Algerian territory, in accordance with UN Security Council Resolution 1359 and the repeated appeals of the international community;
25. Reaffirms the need for a coordinated, concerted and well-prepared approach on the part of the European Union prior to, during and after the 60th UNCHR session so as to ensure an efficient and effective contribution to its proceedings;
26. Asks the EP Conference of Presidents to establish an ad hoc delegation of Members of the European Parliament to attend the 60th session of the UNCHR;
27. Calls on the Council and the Commission to report back in full to Parliament in plenary session on the outcome of the UNCHR no later than May 2004; and points out that their report should outline in detail not only the issues on which the EU and its Member States sponsored or co-sponsored resolutions and the range of actions taken by the EU during the UNCHR session, but also when and why such sponsoring was not undertaken;
28. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Secretary-General of the United Nations, the Council of Europe, and the governments of the countries mentioned in this resolution.