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MOTION FOR A RESOLUTION

to wind up the debate on statements by the Council and Commission

pursuant to Rule 103(2) of the Rules of Procedure

by H el ene Flautre, Frithjof Schmidt and Ra il Romeva i Rueda

on behalf of the Verts/ALE Group

on the outcome of the negotiations on the Human Rights Council and on the
62nd session of the UNCHR

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European Parliament resolution on the outcome of the negotiations on the Human Rights Council and on the 62nd session of the UNCHR

The European Parliament,

- having regard to its previous resolutions on the UN Commission on Human Rights since 1996, as well as those of 29 January 2004 on the relations between the European Union and the United Nations¹, of 9 June 2005 on the reform of the United Nations², and of 29 September 2005³ on the outcome of the United Nations World Summit of 14-16 September 2005,
 - having regard to the 62nd session of the UN Commission on Human Rights (UNCHR), which was planned to take place from 13 March to 21 April 2006,
 - having regard to the report ‘A more secure world: our shared responsibility’ by the High-Level Panel on Threats, Challenges and Change of 1 December 2004,
 - having regard to the report ‘In larger freedom: towards development, security and human rights for all’ by the Secretary-General of the UN of 21 March 2005,
 - having regard to the Outcome Document of the 2005 UN World Summit adopted in New York on 16 September 2005, where it was decided to create a Human Rights Council which would replace the Commission on Human Rights and to entrust the President of the UNGA with the task of conducting negotiations, to be completed as soon as possible, during the Sixtieth Session to define its mandate and composition;
 - having regard to the draft resolution by the President of the UN General Assembly on the Human Rights Council presented on 23 February 2006,
 - having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas respect for, and the promotion and safeguarding of, the universality of human rights are part of the European Union's ethical and legal acquis and one of the cornerstones of European unity and integrity,
- B. whereas the United Nations constitutes potentially, now as in the past, the most appropriate organisation to deal comprehensively with human rights issues and challenges facing mankind today,
- C. whereas the draft resolution on the Human Rights Council (HRC) was the outcome of many months of efforts to reach consensus;

¹ P5_TA(2004)0037.

² P6_TA(2005)0237

³ P6_TA-PROV(2005)0362

- D. whereas, while not addressing some of the major concerns that have been voiced, the HRC could provide an effective platform for strengthening human rights protection and promotion in the UN framework, which unfortunately has not always achieved the desired effectiveness in terms of results;
- E. whereas the 62nd session of the UN Commission on Human Rights (UNCHR) will be its last session prior to the effective establishment of the UN Human Rights Council,
- F. whereas an EP ad hoc delegation has been established for this year's annual session of the UNCHR, has been the case for the past seven years,

Human Rights Council

1. Welcomes the adoption of the resolution creating the HRC; notes in this respect the EU's contribution towards the outcome of the negotiations;
2. Welcomes the establishment of a reduced, permanent UN body, directly elected by the General Assembly, as a first step in meeting the 2005 World Summit's commitment to strengthen the United Nations' human rights machinery;
3. Welcomes in particular the ability for the Council to meet regularly in the course of the year, holding not fewer than three sessions per year, and convene special sessions outside its regular meetings to address rapidly developing human rights crises;
4. Welcomes the retention of the UNCHR's system of independent 'special procedures', which constitute major advances in standard-setting and creation of mechanisms for the protection of human rights; notes that these special procedures will be subject to review within one year and calls on the EU to remain vigilant so as to ensure that they are maintained and strengthened;
5. Welcomes the retention of the practice of the participation of human rights NGOs in the debates; reiterates its call for a reform of the UN Committee on NGOs, so as to ensure effective participation of independent NGOs;
6. Welcomes the establishment of a universal periodic review mechanism, 'the peer review', as a means of reinforcing the universality of coverage and equal treatment of member states with regard to monitoring of human rights throughout the world; takes note of the specification that this mechanism should not duplicate the work of UN treaty bodies; calls on the HRC to ensure, in establishing the modalities of this review, that the session dedicated thereto comes in addition to the minimum three sessions and ten weeks provided for in the resolution;
7. Regrets that the idea of the election of members of the HRC by a strengthened, two-thirds majority has not been retained; considers, nevertheless, that the procedure whereby members are elected directly and individually by secret ballot by an absolute majority of the General Assembly and governments are required to consider candidates' human rights records and commitments could prevent gross human rights violators from sitting in the

Council; welcomes the setting-up of a suspension mechanism, by a two-thirds majority vote of the General Assembly, of the membership rights in the Council of a member that commits gross and systematic violations of human rights;

8. Calls on all UN member states to endeavour to elect the candidate countries with highest human rights standards, which have ratified core human rights treaties, complied with their reporting obligations, issued open invitations to the UN special procedures and endeavoured to implement their recommendations; calls on the EU to insist that nominations be presented at least thirty days prior to election, to allow for public scrutiny of their human rights records and pledges;
9. Reaffirms its view that the HRC's ability to protect human rights will depend on all the parties' political willingness to make it a strong and effective body;
10. Calls therefore on all UN member states to fulfil the mandate that they have defined and to implement the mechanisms developed so as to ensure the ability of the HRC to meaningfully protect and promote human rights;
11. Urges the EU to play a pioneering role in the HRC and to set an example for working towards a strengthened human rights UN body, capable of addressing and reacting to human rights situations all over the world;
12. Reaffirms the need for strengthened consultation, cooperation and coordination between the EU and the UN, in particular the new HRC;
13. Reaffirms the need for a coordinated, concerted and well prepared approach on the part of the European Union prior to, during and after the HCR sessions so as to ensure an efficient and effective contribution to its proceedings;
14. Considers it appropriate, following the practice of EP participation in the annual sessions of the UNCHR, to continue sending a delegation to attend relevant sessions of the HCR;

62nd session of the UNCHR

15. Takes note of the decision to make the 62nd session of the UNCHR a transitional, procedural, shortened session;
16. Considers nevertheless that these modalities should not prevent the UNCHR from carrying out its protection mandate and that all activities of the Commission in standard setting should be duly adopted or otherwise followed-up;
17. Calls therefore on Members of the Commission to ensure that the work of special procedures mandated at the last session, is presented, acknowledged and fully debated, such as the report of the Secretary-General on cooperation with representatives of United Nations human rights bodies, and that those mandates that come to an end are renewed such as the mandate of the UN Secretary-General's Special Representative on Human Rights Defenders; stresses that the ability of human rights defenders to address the Commission and take part in the debates must be maintained;

18. Instructs the EP ad hoc delegation to the 62nd UNCHR to endorse and convey the views expressed in this resolution;

19. Instructs its President to forward this resolution to the Council and Commission, the governments and parliaments of the Member States, the UN Secretary-General, the President of the 60th General Assembly and the High Commissioner for Human Rights.