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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 Raimon Obiols i Germà, on behalf of the PSE Group

Marios Matsakis and Marco Cappato, on behalf of the ALDE Group

Konrad Szymański, on behalf of the UEN Group

Hélène Flautre, Raül Romeva i Rueda, Milan Horáček and Jean Lambert, on behalf of the Verts/ALE Group

André Brie, Vittorio Agnoletto and Luisa Morgantini, on behalf of the GUE/NGL Group

Nils Lundgren and Hélène Goudin

on the fifth session of the United Nations Human Rights Council (UNHRC)

European Parliament resolution on the fifth session of the United Nations Human Rights Council (UNHRC)

The European Parliament,

- having regard to its previous resolutions on the United Nations Commission on Human Rights since 1996, in particular its resolution on the outcome of the negotiations on the Human Rights Council and on the 62nd session of the UNCHR of 16 March 2006¹, as well as those of 29 January 2004 on the relations between the European Union and the United Nations², of 9 June 2005 on the reform of the United Nations³, of 29 September 2005 on the outcome of the United Nations World Summit of 14-16 September 2005⁴ and of 26 April 2007 on the Annual Report on Human Rights in the World 2006 and the EU's policy on the matter,
 - having regard to its urgent resolutions on human rights and democracy,
 - having regard to United Nations General Assembly resolution 60/251 establishing the Human Rights Council,
 - having regard to the previous sessions of the United Nations Human Rights Council,
 - having regard to the forthcoming fifth session,
 - having regard to the outcome of the work of the Council working groups on the complaints procedure, the universal periodic review, the future system of expert advice, the agenda, the annual programme of work, working methods, the rules of procedure and the review of special procedures,
 - having regard to the results of the elections to the Human Rights Council held on 17 May,
 - 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 is 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 potentially constitutes, now as in the past, one of the most appropriate organisations to deal comprehensively with the human rights issues and challenges facing mankind today,
- C. whereas the HRC could provide an effective platform for strengthening human rights

¹ Texts Adopted, P6_TA(2006)0097.

² OJ C 96 E, 21.4.2004, p.79.

³ Texts Adopted, P6_TA(2005)0237.

⁴ Texts Adopted, P6_TA(2005)0362.

protection and promotion within the UN framework,

- D. whereas the fifth session of the Human Rights Council will be a crucial one in this respect, as it will complete the review of mechanisms and mandates and develop the modalities of the Universal Periodic Review,
 - E. whereas the credibility of the HRC rests on the adoption of these reforms and mechanisms in a way which will strengthen its ability to address human rights violations around the world,
 - F. whereas an ad hoc European Parliament delegation has been established for the fifth session of the Council, as in the previous year and, before that, for the Council's predecessor, the UN Commission on Human Rights,
1. Takes note of the results of the first year of the HRC's work; welcomes the ambitious programme the HRC set itself, which included the review of its procedures and working methods, in particular the development and implementation of the Universal Periodic Review and the review of Special Procedures;
 2. Welcomes the organisation of special sessions to respond to urgent crises; is concerned, however, at the failure of the HRC to take action to address many of the world's most urgent human rights situations;
 3. Regrets in particular the weakness of the HRC resolution on Darfur, as well as the decision taken under the confidential procedure to discontinue consideration of complaints of human rights abuses by Iran and Uzbekistan under the '1503' procedure; notes that the confidentiality under the '1503' procedure has not triggered the expected deliverables in terms of better cooperation from the authorities concerned; asks for the introduction of more transparent procedures;
 4. Welcomes the signing of the Convention for the Protection of all Persons from Enforced Disappearances, just one year after its adoption by the UN General Assembly; calls on all UN States to ratify the convention; reaffirms its strong support for the signature and ratification campaign;
 5. Takes note of the results of the UN General Assembly election on 17 May of 14 new members of the HRC;
 6. Welcomes, in view of its condemnation four months earlier by UN General Assembly for human rights abuses and its lack of cooperation with Special Procedures, the fact that Belarus has not been elected to the Council;
 7. Calls for competitive elections in all regions in order to provide real choice among UN Member States; regrets that some countries with problematic human rights records have been elected, owing to clean slates;
 8. Reaffirms the necessity for HRC members to comply with their obligation to cooperate fully with Special Procedures so as to highlight their role in preserving the universality of human rights;

9. Encourages the EU to continue to press for membership criteria for election to the HRC, as well as for monitoring of the actual implementation of the Member States' election pledges;
10. Stresses that the credibility and effectiveness of the HRC in the protection of human rights rests on cooperation with Special Procedures and their full implementation, as well as on the adoption of the reforms and mechanisms in a way which will strengthen its ability to address human rights violations around the world;

The review of procedures and mechanisms

11. Regards the Universal Periodic Review (UPR) mechanism as a potential means of improving the universality of human rights commitments' and practices' monitoring throughout the world by subjecting all UN Member States to equal treatment and scrutiny;
12. Stresses that this objective can be achieved only if the review involves independent expertise at all stages of the review process and an effective, result-oriented follow-up mechanism; expresses its deep concern at the current trend on this issue;
13. Calls therefore on all UN Member States to ensure that the review is based on objective and reliable information, as well as on common standards for review such as the Universal Declaration on Human Rights and other obligations and commitments, including election pledges;
14. Calls for the inclusion in the review process of provisions for follow-up, requiring reviewed States to report back to the Council on the implementation of the recommendations;
15. Underlines the importance of the transparency of the process to all participants and stakeholders, as well as of effective participation by NGOs throughout this process;
16. Stresses that Special Procedures are at the core of the UN human rights machinery, playing a critical role in the protection and promotion of human rights;
17. Urges all UN Member States in consequence to preserve the independence of these Special Procedures from political influence by governments and to ensure that their intervention and finding recommendations are maintained as an essential element in the quality of the expertise;
18. Is greatly concerned in this connection by the draft Code of Conduct on Special Procedures presented on behalf of the African Group, which considerably weakens the mechanisms and their protective capacity;
19. Underlines that, should a Code of Conduct be adopted, it should be limited to professional ethics and principles of mandate holders and specify the obligations of States to cooperate with the Special Procedures, namely by respecting their independence and facilitating their work;
20. Calls for continuous support for Special Procedures in terms of finance and staff;

21. Stresses that the review of mandates of Special Procedures should be carried out in consultation with various mandate holders in order to avoid weakening the protective capacity of the system of procedures; stresses in particular that the UPR, together with special sessions, should be an additional mechanism for addressing human rights abuses and should not replace Special Procedures with country mandates;
22. Notes that the agenda of the Council should combine predictability and flexibility in order to address emerging human rights crises;

EU involvement

23. Recognizes the active involvement of the EU and its Member States in the first year of work of the HRC and looks forward to a successful Presidency of the UNHRC by Romania;
24. Calls on the EU to reaffirm and consolidate its firm position regarding the concerns raised above, especially on the UPR and the review of Special Procedures, which are crucial for the effective future functioning of the Council; calls on the EU to reject any compromise that would put at risk the capacity of the HRC fully to play its role of protection and promotion of human rights throughout the world;
25. Reiterates its call on the EU to make more effective use of its aid and political support for third countries to give them an incentive to cooperate with the HRC;
26. Considers that the EU Member States should act coherently and in a coordinated way to contribute to the success of the Council;
27. Calls on the countries which have entered into agreements with the EU that include human rights clauses to cooperate with the EU in increasing the potential of the Council to enhance human rights around the world; calls on its interparliamentary delegations and assemblies to examine this aspect at their meetings;
28. Mandates the European Parliament delegation to the fifth session of the HRC to voice the concerns expressed in this resolution, calls on the delegation to report to the Subcommittee on Human Rights on its visit, and considers it appropriate to continue sending a European Parliament delegation to relevant sessions of the HRC;

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29. Instructs its President to forward this resolution to the Council and Commission, the governments and parliaments of the Member States, the UN Security Council, the UN Secretary-General, the President of the 61st General Assembly, the President of the UN Human Rights Council, the UN High Commissioner for Human Rights and the EU-UN working group established by the Committee on Foreign Affairs.