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MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission/ High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 110(2) of the Rules of Procedure

on Parliament's position on and priorities for the 16th Session of the UN Human Rights Council and the 2011 review

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European Parliament resolution on Parliament's position on and priorities for the 16th Session of the UN Human Rights Council and the 2011 review

The European Parliament,

- having regard to the Universal Declaration of Human Rights, to the European Convention on Human Rights, and to the EU Charter of Fundamental Rights,
- having regard to its previous resolutions on the United Nations Human Rights Council (UNHRC), in particular its resolution of 25 February 2010 on the 13th Session of the United Nations Human Rights Council¹, and of 14 January 2009 on the development of the new Human Rights Council, including the role of the EU² as well as those of 16 March 2006 on the outcome of the negotiations on the Human Rights Council and on the 62nd Session of the UN Commission on Human Rights³, of 29 January 2004 on the relations between the European Union and the United Nations⁴, of 9 June 2005 on the reform of the United Nations⁵, of 29 September 2005 on the outcome of the United Nations World Summit of 14-16 September 2005⁶ and of 7 May 2009 on the annual report on Human Rights in the World 2009 and the European Union's policy on the matter⁷,
- having regard to its urgent resolutions on human rights and democracy,
- having regard to United Nations General Assembly Resolution A/RES/60/251 establishing the Human Rights Council (UNHRC),
- having regard to the previous regular and special sessions of the UNHRC, as well as previous rounds of the Universal Periodic Review (UPR),
- having regard to the 16th Session of the UNHRC and to the 11th round of the Universal Periodic Review (UPR) to be held from 2 to 13 May 2011,
- having regard to the review of the UNHRC taking place during 2011,
- having regard to the institutional changes brought about by the entry into force of the Treaty of Lisbon, particularly the establishment of the European External Action Service and the High Representative of the Union for Foreign Affairs and Security Policy,
- having regard to Articles 2, 3(5), 18, 21, 27 and 47 of the Treaty on European Union in the version thereof resulting from the Treaty of Lisbon,

¹ Texts Adopted, P7_TA-PROV(2010)0036.

² Texts Adopted, P6_TA(2009)0021.

³ Texts Adopted, P6_TA(2006)0097.

⁴ Texts Adopted, P5_TA(2004)0037.

⁵ Texts Adopted, P6_TA(2005)0237.

⁶ Texts Adopted, P6_TA(2005)0362.

⁷ Texts Adopted, P7_TA(2010)0489.

- having regard to Rule 110(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 integrity¹,
- B. whereas the UNHRC is a unique platform specialising in universal human rights and a specific forum dealing with human rights within the UN system; whereas it is entrusted with the important task and responsibility of strengthening the promotion, protection and respect of human rights around the globe,
- C. whereas the review of the UNHRC is following two tracks, with the status of the body being discussed in New York, and the procedures in Geneva; whereas, at the same time, all international actors have to work for the elimination of double standards and the avoidance of selectivity and politicization in the consideration of human rights issues,
- D. whereas issues of sovereignty and domestic jurisdiction can no longer be used to shield states from scrutiny on their human rights records,
- E. whereas the European Union should act as a global player in the context of the UN generally and the UNHCR specifically, and a new approach embodied in the new European External Action Service (EEAS) should be instrumental in helping the Union to act more effectively and recognizably to meet and address global challenges in a coherent, consistent and efficient manner,
- F. whereas a directorate for Human Rights and Democracy was set up within the EEAS,
- G. whereas a delegation from the Subcommittee on Human Rights of the European Parliament will travel to Geneva during the 16th Session of the UNHRC, as has been the case in previous years for the sessions of the UNHRC and, before that, for the UNHRC’s predecessor, the UN Commission on Human Rights,
- 1. Underlines the importance of the 16th Session of the UNHRC and particularly the UNHRC review process, which provides for a unique opportunity to assess how the Council has implemented its mandate and presents an occasion for the Council to enhance its methods of work in order to be more efficient and systematic responses to human rights violations; welcomes the fact that the HRC review has appointed two co-facilitators, Morocco and Liechtenstein, to the process;
- 2. Welcomes the fact that on the agenda of the 16th regular Session are, among others, reports on the ‘Rights of persons belonging to national or ethnic, religious and linguistic minorities’, and on the ‘Promotion and protection of human rights and fundamental freedoms while countering terrorism’, as well as extensive meetings on the rights of the child;
- 3. Welcomes this year’s nominations of Special Rapporteurs on these key topics, and takes note of the reports to be presented by the Special Rapporteurs on torture and other cruel

¹ Articles 2, 3(5) and 6 of the Treaty on European Union.

inhuman or degrading treatment or punishment, on freedom of religion or belief, on the situation of human rights defenders; calls on the EU Member States to contribute actively to these debates;

4. Welcomes the new directorate for Human Rights and Democracy and supports the establishment of a Brussels-based EU Council Working group on Human Rights (COHOM) that would include human rights experts from all 27 EU Member States as Brussels is better placed for monitoring EU policies and which will help to organise multilateral work in relation to bilateral work;
5. Supports the appointment of a high-level EU Special Representative for Human Rights and stresses again the necessity of the human rights and democracy country strategies;
6. Stresses the importance of the EU's holding common positions on issues to be discussed during the 16th Session, and invites EU Member States to reinforce the EU practice of putting across 'one message, but with many voices' which has worked well in recent years in, for example, EU initiatives against the death penalty;

The work of the Human Rights Council

7. Reiterates its call on EU Member States to actively oppose any attempt to undermine the concept of the universality, indivisibility and interdependence of human rights, and to encourage the UNHRC to pay equal attention to discrimination based on all grounds, including gender, disability, racial or ethnic origin, age, sexual orientation, and religion or belief;
8. Is concerned that the greatest obstacle to the UNHRC taking up its mandate more effectively is the 'bloc politics' which often dominates, and its impact on the selection of countries and situations receiving UNHRC attention; reiterates the view that the UNHRC's ability to address country situations effectively and in a timely and adequate manner as it is central to its authority and credibility;
9. Believes the HRC should be better equipped to address both chronic and emergency situations, perhaps through the expansion of the human rights 'toolbox', by using panels not just during but also in between sessions, and by bringing sessions to regions away from Geneva; regrets that on several occasions the UNHRC has been unable to address serious human rights situations in an urgent and timely manner because of the absence of adequate instruments, and supports the idea of independent 'triggers'; actively seeks the creation of dedicated UNHRC mechanisms to respond promptly to the human rights crises like in Libya, Tunisia, Egypt, Iran and Belarus;
10. Welcomes the attempts within the UNHRC to put together a cross-regional working group on the situation in Belarus; urges UNHRC to make a statement strongly condemning gross violations of human rights in the country and repressions against democratic opposition and ordinary citizens following presidential elections on December 19, 2010 and to adopt a resolution on the matter;
11. Welcomes the initiative of the US to introduce a country resolution on Iran; calls upon the EU Member States to strongly support the instalment of a Special Mechanism regarding

Iran; calls upon the High Representative and the EEAS to coordinate the cooperation between the EU and the United States on human rights issues of common concern, while the EU should act fully independently in order to be effective and credible;

12. Welcomes the sending of a High-level UN human rights mission to Tunisia from 27 January to 2 February 2011 and strongly encourages full implementation of its recommendations; reiterates its call for the setting-up of an independent international commission of inquiry to investigate all the alleged human rights violations relating to the post-17 December 2010 events;
13. Supports the sending of a mission of the OHCHR to Egypt to assess the overall human rights situation following the change in the country's leadership;
14. Welcomes the adoption by consensus of a resolution on the human rights situation in Libya in the 15th Special Session on 25 February which condemns the gross and systematic human rights violations committed in Libya pointing out that some of which may amount to crimes against humanity, calls for the dispatching of an independent international commission of inquiry to Libya to investigate all alleged violations of international human rights law in the country and welcomes the General Assembly's decision from 1 March 2011 to suspend Libya's membership of the UNHRC;
15. Supports the opening of the regional office of OHRHC in the Mediterranean region;
16. Welcomes the holding, at the initiative of Nigeria and the United States, of the 14th Special Session on the situation of human rights in Cote d'Ivoire in relation to the conclusion of the 2010 presidential election, which condemned human rights violations and called on all parties to fully respect human rights and fundamental freedoms and the rule of law; reiterates its support for the outcome of elections as recognised by the UN and calls on all actors to recognise the authority of Alassane Ouattara as elected president; supports the decision of the African Union to set up a panel of Heads of State to bring peaceful and negotiated settlement to the post-election crisis in Ivory Coast;
17. In view of the reports by the Special Rapporteurs on the situation of human rights in the Democratic People's Republic of Korea, and on the human rights situation in Myanmar/Burma, restates its call for the EU to publicly support the establishment of UN commissions of inquiry to assess human rights violations in these countries and to assess to what extent these constitute crimes against humanity; regrets the lack of cooperation of DPRK with the Special Rapporteur and requests the extension of the mandate of the Special rapporteur for Myanmar/Burma;
18. Urges the EU to pro-actively contribute and support, at the upcoming HRC session, a resolution relating to the report on follow-up of the committee of independent experts to the international Fact-Finding mission on the Gaza conflict in order to ensure accountability for the violations of international law and support a referral to the GA and to International Justice mechanisms in case of Israel and Palestinian parties have failed to comply with their obligation to carry out investigations according to international standards; further calls on the High Representative to actively monitor compliance with the findings of the 'Follow-up to the report of the international fact-finding mission on the incident of the humanitarian flotilla', ensuring principles of accountability and liability are

upheld; welcomes the statements by the UN High Commissioner for Human Rights on her first visit to the occupied Palestinian territory and Israel and, in particular, the strong message that she conveyed that 'international human rights law and international humanitarian law are not negotiable';

19. Regrets that while membership criteria for the UNHRC as established by General Assembly Resolution 60/251 implies full cooperation with the body, the current practice of voluntary pledges has had very disparate and inadequate results; reiterates therefore that all members should have effective standing invitations to Special Procedures as a minimum threshold for membership, in addition to a solid record of commitment to human rights; stresses the importance of a truly competitive environment in the election process; calls for the abolition of the possibility for regional groups to present a predetermined slate of candidates for UNHRC membership;
20. Calls on EU Member States and the EEAS to actively engage in the 2011 review of the UNHRC to strengthen compliance with its mandate; stresses that the UNHRC should be more of an early warning and preventive mechanism and that the expertise of Special Procedures should be used for this purpose; reiterates that there is a need for a transparent and all-inclusive review process taking into account the views of NGOs, civil society and all other relevant stakeholders; calls on EEAS to inform the sub-committee on human rights of the European parliament of the state of play of the review;
21. Reiterates its position that the review should preserve the independence of the Office of the High Commissioner for Human Rights (OHCHR) and opposes any attempts to upgrade the OHCHR to the same status as the other UN agencies as this could impact negatively on the funding and consequently on the independence; welcomes the recent appointment of a UN Secretary General Assistant on Human Rights who will lead the OHCHR office in New York; this new office will help strengthen contact, dialogue and transparency between the UN General Assembly and the UNHCR; underlines the need to ensure sufficient funding to keep regional OHCHR offices open, so that they may be able to continue their work on the ground;
22. Insists on the safeguard and strengthening of the Special Procedures and on the guarantee for the possibility for the UNHRC to address specific human rights violations through country resolutions and country mandates; stresses the importance of the indivisibility of human rights, whether social, economic, cultural, civil or political; Notes with concern that the Complaints Mechanism, a unique universal victim-oriented mechanism, has produced little in the way of outcome in relation to the large number of submissions it has received; underlines the need to address this issue in the UNHRC review;

Universal Periodic Review

23. Recognises the added value of the UPR as a shared experience for all governments which submits all UN members to equal treatment and scrutiny despite the fact that the countries have to voluntarily accept to be submitted and to make a follow up of the recommendations; reminds that by December 2011 all United Nations' Member States will have been reviewed under this mechanism;
24. Insists that it is essential to maintain a space for civil society into the HRC in order to

enhance civil society participation in the dialogue, opening up new opportunities for non-governmental organisations (NGOs) to enter into dialogue within particular States;

25. Supports further involvement of NGOs in the UPR by allowing submission of written recommendations for consideration by the Working group and participation in its deliberations;
26. Takes note of the possibility the UPR offers for States to commit to implementing their human rights obligations, and following up on the conclusions of treaty bodies and Special Procedures;
27. Reaffirms the fact that recommendations should be more results-oriented and calls for more involvement by independent experts and national human rights institutions in the UPR to ensure it is an effective follow-up mechanism; considers that independent expertise can be brought into the UPR process by having experts observe the review process and present a summary and analysis of the UPR during the adoption of the final report;
28. Regrets that the first cycle of the review of certain countries has not lived up to the expectations of a transparent, non-selective and non-confrontational process; acknowledges in this regard the role EU Member States have played in trying to break through the 'bloc mentality', encourages EU Member States to provide technical assistance to help the recommendations be implemented;
29. Calls on EU Member States to continue to engage in the review of the UNHRC, to ensure there is no gap between the first and second cycles of the UPR, and to ensure the second cycle focuses on implementation and follow-up of recommendations; supports the view that States submitted to the UPR should provide clear responses to each recommendation and timetables for implementation of the Working Group's recommendations; notes that the submission of a mid-term report on the status of implementation may contribute to this process;

Special Procedures

30. Restates that Special Procedures lie at the core of the UN human rights machinery, and that the credibility and effectiveness of the UNHRC in the protection of human rights rests on cooperation with Special Procedures and their full implementation; stresses, in this context, that strengthening of independence and interactivity of the Special Procedures with the Council is fundamental;
31. Condemns attempts to undermine the independence of Special Procedures by putting governments in an oversight position over the Special Procedures, stresses that any sort of control would politicize and damage the effectiveness of the system;
32. Reiterates that the Special Procedures on country situations are an essential instrument for improving human rights on the ground; stresses that due to crucial elements like their periodicity and the expertise they are based on, country mandates cannot be replaced by the UPR;

33. Calls on EU Member States to defend the integrity and accountability of the UNHRC in the review by supporting the establishment of a follow up-mechanism on the implementation of recommendations of Special Procedures, in addition to the adoption of selection criteria and a more transparent appointments process based on the background, skills, qualifications and experience of nominees; endorses the proposal by NGOs to strengthen the early warning capacity of Special Procedures through a mechanism that allows them to trigger the automatic consideration of a situation by the UNHRC;

EU involvement

34. Welcomes the participation of the EU Vice-President of the Commission/ High Representative of the Union for Foreign Affairs and Security Policy in the UNHRC 16th session;
35. Insists on the EEAS, notably EU delegations in Geneva and New York to increase the coherence, visibility and credibility of the EU's action in the UNHRC by further developing cross-regional outreach and cooperation and especially on lobbying the moderate states in all groups;
36. Reiterates in this regard its position concerning the concept of 'defamation of religions' and, while recognising the need to address fully the problem of discrimination against religious minorities, considers that the inclusion of this concept in the Protocol on complementary standards on racism, racial discrimination, xenophobia and all forms of discrimination is not appropriate; welcome the side event organised by EU delegation to commemorate the 25th anniversary of the establishment of the mandate of the Special Rapporteur on freedom of religion or belief; requests the EU to engage with the main sponsors of the resolution to find an alternative to the resolution on defamation that will be presented; supports the cross-regional statement that will be presented on the LGBT rights;
37. Reiterates its support for the EU's active participation in the work of the UNHRC since its establishment, namely through sponsoring or co-sponsoring resolutions, issuing statements, intervening in interactive dialogues and debates; recognises the commitments made by the EU to addressing country situations in the UNHRC and stresses the importance that these commitments be strongly implemented;
38. Supports the joint initiative of EU and GRULAC (Latin American and Caribbean Group) for a resolution on children living and working on the street;
39. Calls on EU Member States to do their utmost to preserve all special procedures mandate and calls in particular for the renewal of the mandate of the UN Special Rapporteur on the situation of human rights defenders;
40. Regrets that as a side-effect of its efforts to seek consensus, the EU often appears to be lowering its ambitions, and believes the EU should be much bolder in putting forward and/or running with country resolutions;
41. Notes with concern that the EU has been unable to exercise influence effectively within the wider UN system; stresses the need for the EU to make the HRC a priority, to co-

ordinate better among the Member States and calls on the Council to adopt guidelines in order to facilitate coordination and decision making in this context, and to seek to build coalitions/allegiances with key regional partners and all moderate states in an effort to overcome the logic of blocs within the HRC;

42. Draws attention, on a practical level, to the importance of having a larger, well-resourced EU Delegation in Geneva and New York; stresses that what happens in Geneva and New York must be an integral part of EU foreign policy, with a focus on improving internal coordination and stresses, too, the need for good interplay between the bilateral and multilateral levels;
43. Deplores the fact that the resolution tabled by the EU to the UN General Assembly in September 2010 with the target to reinforce its 'status' in order to be coherent with the new institutional arrangements due to the Lisbon Treaty has been postponed; this enhanced status would give the EU the possibility to be represented by a stable person (the President of the European Council and/or the High Representative), to speak with one voice and would raise the visibility and influence of the EU as a global actor; insists on the need to continue efforts made by the EEAS 'special task force' to promote the adoption of the resolution in close cooperation with the EU Members States;
44. Mandates its delegation to the 16th Session of the UNHRC to voice the concerns expressed in this resolution; calls on the delegation to report to the Subcommittee on Human Rights regarding its visit, and considers it indispensable to continue sending a European Parliament delegation to relevant sessions of the UNHRC;
45. Reiterates its call on the EU Member States to ensure that human rights are respected in their own internal policies in order to avoid double standards and in view of the current accession process of the EU to the European Convention on Human Rights (ECHR), as failure to do so fundamentally could weaken the EU's position in the UNHRC;
46. Instructs its President to forward this resolution to the Vice-President of the Commission/ High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the UN Security Council, the UN Secretary-General, the President of the 64th 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.