



13.2.2012

B7-0071/2012

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 the 19th Session of the UN Human Rights Council (2012/2530(RSP))

Laima Liucija Andrikienė, Kinga Gál, Eduard Kukan, Cristian Dan Preda, Marietta Giannakou, Monica Luisa Macovei, László Tőkés, Inese Vaidere, Anne Delvaux, Mario Mauro, Elisabeth Jeggle

on behalf of the PPE Group

Richard Howitt, Véronique De Keyser, Joanna Senyszyn, Jörg Leichtfried, Ana Gomes, Pino Arlacchi

on behalf of the S&D Group

Leonidas Donskis, Kristiina Ojula, Metin Kazak, Marielle De Sarnez, Marietje Schaake

on behalf of the ALDE Group

Barbara Lochbihler, Rui Tavares, Nicole Kiil-Nielsen, Catherine Grèze, Judith Sargentini

on behalf of the Verts/ALE Group
Charles Tannock
on behalf of the ECR Group

B7-0071/2012

European Parliament resolution on Parliament's position on the 19th Session of the UN Human Rights Council (2012/2530(RSP))

The European Parliament,

- having regard to the Universal Declaration of Human Rights and all UN human rights conventions and optional protocols thereto¹,
- having regard to the European Convention on Human Rights and the EU Charter of Fundamental Rights,
- having regard to its previous resolutions on the United Nations Human Rights Council (UNHRC), in particular that of 10 March 2011 on the priorities of the 16th session of the UN Human Rights Council and the 2011 review,
- having regard to the delegation from the Subcommittee on Human Rights of the European Parliament which travelled to Geneva during the sixteenth session of the UNHRC and to its report to the Subcommittee, and to the joint delegation from the Committee on Foreign Affairs and the Subcommittee on Human Rights to the 66th session of the UN General Assembly,
- having regard to its resolution of 7 July 2011 on EU external policies in favour of democratisation²,
- having regard to UNHRC Resolution 16/21 of 25 March 2011 on the review of the work and functioning of the Human Rights Council,
- having regards to its previous resolution of 11 May on the EU as a global actor: its role in multilateral organisations,
- having regard to the forthcoming 7th cycle of the UNHRC, in particular the 19th session to be held from 27 February to 23 March 2012, and to the 13th and 14th sessions of the Universal Periodic Review (UPR) to be organised in the course of 2012,
- having regard to the previous regular and special sessions of the UNHRC, as well as the first cycle of the UPR which was completed in December 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),

¹ 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.

² Texts adopted, P7_TA-PROV(2011)0334.

- having regard to Articles 2, 3(5), 18, 21, 27 and 47 of the Treaty on European Union,
 - 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 (EU) ethical and legal acquis and one of the cornerstones of European unity and integrity¹;
 - B. whereas the ongoing review of the EU's human rights policy should contribute to making its external policy a more active, coherent and effective force in the world;
 - C. whereas the EU and its Member States should guarantee respect for human rights in their own policies, in order to increase coherence between internal and external policies and thus enhance the credibility of the EU in the UNHRC;
 - D. whereas all international actors must work for the elimination of double standards and the avoidance of selectivity and politicisation in the consideration of human rights issues;
 - E. 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 of strengthening the promotion, protection and respect of human rights around the globe;
 - F. whereas the implications of the work being done in the Third Committee of the General Assembly and in the UNHRC for the debate in the UN Security Council should be taken into consideration;
 - G. whereas a delegation from Parliament's Subcommittee on Human Rights will travel to Geneva during the 19th session of the UNHRC, as has been the case in previous years for the sessions of the UNHRC;
1. Takes note of the ongoing process to confirm EU priorities for the 19th Session of the UNHRC, and welcomes the designation of Burma/Myanmar, the Democratic People's Republic of Korea (DPRK), Syria, Libya and Iran as key issues;
 2. Welcomes the fact that on the agenda of the 19th regular session there are, among others, panel discussions on human rights mainstreaming, freedom of expression on the internet, freedom of religion or belief and conscience, discrimination and violence based on sexual orientation and gender identity, human rights and HIV/AIDS, and the Declaration of the Rights of Minorities, as well as extensive meetings on the rights of the child, and on torture, human rights and counter-terrorism, disappearances and arbitrary detention; calls on Member States to contribute constructively to these debates, and make clear that universal and indivisible human rights apply to people regardless of their sexual orientation and gender identity;
 3. Welcomes this session's nominations for the mandates of Independent Expert on the promotion of a democratic and equitable international order, Special Rapporteur on the

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

promotion of truth, justice, reparation and guarantees of non-recurrence, Special Rapporteur on the situation of human rights in Syria and Independent Expert on the situation of human rights in the Sudan; takes note of the reports to be presented by the Special Rapporteurs on, among others, the situation of human rights in the DPRK, Iran and Burma/Myanmar, and those on torture and other cruel, inhuman and degrading treatment or punishment, on the situation of human rights defenders and on the freedom of religion or belief; calls on the Member States to actively contribute to these debates;

The work of the Human Rights Council

4. Welcomes the increased mainstreaming of human rights in the work of the UN, as evidenced by, for example, the considerable increase in appearances before the Security Council of the Office of the High Commissioner for Human Rights – including by its very ably led representation at Assistant Secretary-General level in New York – or by the organisation of a yearly panel discussion by the UNHRC to interact with the heads of governing bodies and secretariats of the UN agencies and funds, as mandated by the outcome of the review process; strongly encourages the UNSC member states to request on a more regular basis briefings by the HRC, with a view to effectively addressing human rights violations that are at the root of numerous conflicts addressed by the UNSC;
5. Reiterates once more its call to EU Member States to actively oppose any attempt to undermine the concept of universality, indivisibility and interdependence of human rights, and to actively encourage the UNHRC to pay equal attention to the question of discrimination on all grounds, including gender, race, age, sexual orientation and religion or belief; takes the view that Resolution A/HRC/RES/17/19 of 17 June 2011 on human rights, sexual orientation and gender identity should be followed up tangibly and durably;
6. Reiterates once more its call to EU Member States to further lead by example in supporting the universality of the work of the Human Rights Council, notably in ratifying all international human rights instruments which it has established; regrets in particular that no EU Member State has ratified the Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, that several Member States have not yet adopted and/or ratified the Convention for the Protection of All Persons from Enforced Disappearance and that only one Member State has ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and reiterates its call to all EU Member States to ratify them;
7. Remains concerned, while recognising modest improvements, with the persistence of ‘bloc politics’, which continue to dominate at times, affecting the selection of countries and situations receiving UNHRC attention and thus having a negative impact on its authority and credibility;
8. Regrets the fact that the review process has not led to the development of further-reaching membership criteria as regards commitments and performance on human rights issues; reiterates its call for competitive elections for all regional groups and recommends that the EU and its Member States state their clear opposition to the practice of regional groups putting forward ‘clean slates’, and to lead by example on this matter;

Human rights violation in the Arab Spring Countries

9. Takes note of the restoration of Libya's membership of the UNHRC and encourages the country's reintegration; regrets, however, that the opportunity was not seized to draw up strong and transparent criteria for reinstating suspended members, which should logically be based on the initial criteria required for election; urges the UNHRC to draw up such criteria for future reference without further delay and with the scope for consistent evaluation of a state's suitability to be present in the UNHRC based on its human rights record;
10. Welcomes the presentation by the independent, international Commission of Inquiry on Libya, pursuant to the outcome of the 15th special session, of its first report at the UNHRC on September 2011; supports the extension of its mandate and looks forward to the final written report, to be presented at the 19th session; encourages the implementation of the recommendations made by the Commission of Inquiry and strongly supports its call for exhaustive, impartial and public investigations to be conducted into all alleged violations of international human rights law and international humanitarian law during the conflict, regardless of who committed them, with full respect for judicial guarantees; considers that the human rights situation in Libya remains an area of concern, notably regarding the conditions of detention and the treatment of detainees held by various militias without effective control by the Interim Government over these brigades, and requires increased vigilance and sustained assistance by the international community, as stated by the High Commissioner for Human Rights before the UN Security Council on 25 January 2012;
11. Condemns in the strongest terms the widespread brutal repression and systematic violations of human rights by the Syrian regime against its population, including children, and calls on the Syrian authorities to bring an immediate end to violence and to comply with their obligations under international human rights law in order to allow a peaceful and democratic transition;
12. Welcomes the organisation of the 16th, and 17th and 18th special sessions, pursuant to initiatives by the United States, Poland and the EU respectively, on the situation of human rights in Syria; supports the recommendations of its November report and looks forward to the update to be presented at, and the interactive dialogue to be held during, the 19th session;
13. Welcomes the decision to establish the mandate of Special Rapporteur on the situation of human rights in Syria once the Commission of Inquiry's mandate ends; expresses, in particular, its full support for the call by the Commission of Inquiry, the High Commissioner and all Special Procedures mandate holders to the Syrian authorities to cooperate fully with the investigations, with a view to ensuring full accountability and avoiding impunity; welcomes all the diplomatic efforts undertaken by the EU's HR/VP Catherine Ashton and its Member States towards China and Russia in the UN Security Council with a view to the immediate adoption of a resolution on Syria; deeply regrets that, due to the renewed veto of the Russian Federation and China, the Security Council was unable to support the call of the League of Arab States for an inclusive, Syrian-led political process conducted in an environment free from violence;

14. Reiterates its concern at the human rights situation in Bahrain and calls on EU Member States to work towards the establishment of a resolution on the human rights situation in Bahrain at the UNHRC; stresses the need to follow up at the UNHRC the question of the fight against impunity in Yemen following the 2011 anti-government protests, and considers that amnesties are in breach of international human rights law if they prevent the prosecution of individuals who may be responsible for crimes against humanity, genocide, war crimes and gross violations of human rights;
15. Welcomes the statements made during 2011 by UN Commissioner for Human Rights Navi Pillay urging the Egyptian authorities to end the excessive and brutal use of force against protesters in Tahrir square and elsewhere in the country, including the apparent improper use of tear gas, rubber bullets and live ammunition, as well as her calls for independent investigations to be launched regarding diverse demonstrations and events;
16. Calls on the EU and the EU Member States, on the occasion of the second cycle of the Universal Periodic Review (UPR) on Algeria, to focus on the issue of enforced disappearances and to highlight the lack of follow-up by Algeria to the recommendations adopted by the Treaty bodies on this matter; calls for the setting-up of a specific follow-up mechanism in this regard; calls, at the same time, on the EU and the EU Member States to express their serious concerns about the recent adoption of five laws, in particular a repressive Associations Law and a discriminatory Law on Women;
17. Stresses the need for international monitoring of the human rights situation in Western Sahara, not least through recourse to Special Rapporteurs from the HRC;

Others

18. Welcomes the decision to appoint a Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; welcomes the interim report presented by the Special Rapporteur to the UNGA Third Committee, and looks forward to the consideration of his report at the 19th session; urges the Iranian authorities to cooperate with the Special Rapporteur's investigations, inter alia by allowing access to the country; calls for an extension of the Special Rapporteur's mandate, in the light of the dire human rights situation in Iran;
19. Commends the Special Rapporteurs on the situation of human rights in the DPRK and on the situation of human rights in Burma/Myanmar for their continued efforts in the conduct of their mandates, and calls for the extension thereof; welcomes the preliminary positive changes in Burma/Myanmar's attitude towards greater cooperation with the Special Procedures and reiterates its call for the release all remaining prisoners of conscience as well as for tangible steps to be taken on the fight against impunity in Burma, notably on the crimes against humanity committed in the ethnic areas;
20. Reiterates its call to the HR/VP and the EU Member States to work towards a strong EU common position on the follow-up to the Fact-Finding Mission on the Gaza conflict, publicly demanding the implementation of its recommendations and accountability for all violations of international law, regardless of the alleged perpetrator, through the conduct of independent, impartial, transparent and effective investigations;

21. Expresses its support for the recent establishment of the mandate of an independent expert on the situation of human rights in Côte d'Ivoire to follow up on the implementation of the recommendations of the Commission of Inquiry, and looks forward to the consideration of his report at the 19th session;
22. Stresses the need to further support efforts to strengthen the accountability process in Sri Lanka and continue to call for the establishment of a UN commission of inquiry into all crimes committed, as recommended by the UN Secretary General's Panel of Experts on Sri Lanka; invites the Sri Lankan Government to send an invitation to the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;
23. Commends the work of the OHCHR on the human rights situation in the Democratic Republic of Congo (DRC) and stresses the need for the reestablishment of the mandate of an independent expert to monitor the human rights situation in the DRC and to engage with the authorities on the implementation of the recommendations made by international human rights mechanisms;
24. Requests the EU delegation and EU Member States to seek a HRC resolution on the situation in Eritrea, given the country's deplorable and deteriorating track records with respect to freedom of expression and freedom of religion or belief and conscience;
25. Welcomes the report of the UN High Commissioner on Human Rights on the situation in Afghanistan, which derives from the work her office undertakes within UNAMA; calls on EU Member States to support it publicly and to engage in the debate on this report in support of its recommendations on the strengthening of the rule of law, the fight against impunity, on women's rights and on the work of the Afghan Human Rights Institution; supports the establishment of a Special Rapporteur on the situation of human rights in Afghanistan;
26. Notes that the concept of Responsibility to Protect (R2P) has made good progress in UN bodies such as the UNSC, the UNGA, and the UNHRC; emphasises that R2P is an encompassing concept, which comprises more than just military intervention; takes note of a new interpretation also emerging ('Responsibility while protecting'), primarily generated by some BRICs countries, in particular Brazil, following the Libyan crisis; encourages further debate on how the United Nations bodies, in particular the Security Council, could potentially utilise this concept in ensuring greater cooperation between member states in the face of crisis; underlines in particular the preventive role played by the International Criminal Court, notably of its Office of the Prosecutor, and the merits of the recourses to the ICC through the UN Security Council, in this respect;
27. Stresses the need for international monitoring of the human rights situation in China and calls on EU Member States to actively engage in establishing it in light of the failure of the EU-China dialogue on human rights to achieve significant and tangible results;
28. Reiterates that freedom of thought, conscience and religion, including the freedom to change or abandon one's religion or belief, is a fundamental human right; commends the work of the Special Rapporteur on freedom of religion or belief and regrets that many individuals and communities worldwide have been denied this right, taking the Tibetan

community as an example;

29. Condemns the recent statement by the Japanese Minister of Justice on a possible resumption of the use of death penalty; welcomes Mongolia's decision of 5 January 2012 to abolish the death penalty, following on from the moratorium on the use of death penalty of January 2010 and encourages the UNHRC and the UN General Assembly to continue to work for a moratorium and abolition of the death penalty in the world;
30. Welcomes the decision taken by the Guatemalan Parliament to ratify the Rome Statute;
31. Welcomes the work of the UN Gender Entity (UN Women), which should have an impact on the implementation and defence of the 'Beijing acquis', including with regard to sexual and reproductive rights, as well as on the implementation of UNSC Resolution 1325 on the role of women in peace and security, which are all key issues for the EU;

Universal Periodic Review

32. Welcomes the confirmation in the UNHRC review outcome that the second cycle of the UPR should focus on, inter alia, the implementation of the accepted recommendations of the first cycle, but emphasises that those recommendations which were not accepted by the State under review should not be excluded from the process; calls on states participating in the UPR to focus their assessment of third countries in particular on their follow-up and the implementation of the recommendations of UN treaty bodies and Special Procedures, as a significant political support provided to these valuable expert-based contributions;
33. Encourages EU Member States to provide technical assistance in order to help UPR recommendations to be implemented, in line with the commitments undertaken in the UNHRC's institution-building package and the outcome of the review process; points to the Voluntary Fund for Financial and Technical Assistance for the Implementation of the UPR as a useful tool in this regard, and encourages the other Member States to follow the British and German examples in contributing to the Fund;
34. Believes that the EU should seek to raise the profile of the UPR process by embedding recommendations in bilateral and multilateral dialogues with UN member states;
35. Welcomes the enhanced role given, in compliance with the Paris Principles, to national human rights institutions, which are now entitled to intervene immediately after the State under review during the adoption of the UPR outcome by the plenary; reiterates its support for human rights NGOs and greater civil society and expert involvement in the UPR;
36. Welcomes the fact that the UNHRC review outcome provides for the submission of a voluntary mid-term update on the follow-up to accepted recommendations, and encourages EU Member States to lead by example;

Special Procedures

37. Reaffirms its view that Special Procedures lie at the core of the UN human rights system

and that the credibility and effectiveness of the UNHRC rest on the Procedures' full implementation and the Council's cooperation with the mandate holders;

38. Welcomes the fact that the UNHRC review process has reaffirmed the integrity and independence of the mandate holders as essential characteristics of the Procedures;
39. Welcomes the steps undertaken in the UNHRC review to enhance transparency in the selection and appointment process of mandate holders; welcomes, too, the enhanced role in this selection process played by Paris Principle-compliant national human rights institutions;
40. Regrets that the Special Procedures' early-warning capacity was not further strengthened by providing for a mechanism allowing them to automatically trigger the consideration of a situation by the UNHRC; regrets that there is no mechanism to follow up on the implementation of recommendations of Special Procedures;

EU involvement

41. Welcomes the announced increase of EIDHR funds and stresses that these additional funds should also be used to increase the support to the UNHRC; welcomes the financial contributions that have been provided to the OHCHR since 2007 via the EIDHR; expects that, given the scope of new challenges that have emerged in recent times, the Commission might want to increase the amount of its annual contribution;
42. Reiterates its strong support for the EU's active participation in the work of the UNHRC, through the co-sponsoring of resolutions, the issuing of statements and its intervention in interactive dialogues and debates;
43. Reiterates its call to the EU and its Member States to ensure that human rights are also fully respected in internal policies, in order to avoid double standards and to increase consistency between internal and external policies and to enhance their moral authority on the international scene; calls on HR/VP Baroness Ashton to address the question of complicity of EU companies in human rights abuses outside of the EU and to work on the implementation of a system of sanctions towards these companies or at least to keep track of such cases and to make sure that these companies do not get EU subsidies or any kind of help of the EEAS;
44. Emphasises once more the primordial importance of the formulation of strong EU common positions, in order to harness the collective weight of the EU and its Member States; takes note, in this light, of the development of the capacity of the Council Working Group on Human Rights (COHOM) and the efforts to identify key priorities as well as efforts to clarify the division of labour which will help developing cross regional outreach and collaboration and on lobbying all moderate States including between Geneva and New York; welcomes the de facto COHOM based in Brussels and the proposal to have a yearly meeting of the COHOM in Geneva; supports the efforts to put across 'one message, with many voices', but deplors the fact that the search for common ground too often leads to an acceptance of the lowest common denominator, particularly in final Council Conclusions and calls for bolder, more ambitious action; in this connection, encourages the EEAS, particularly the EU's delegations in Geneva and New York, to increase its

coherence, based on timely and substantive consultation, and the visibility of the EU's action in order to enhance its credibility in the world;

45. Welcomes the HR/VP's commitment to develop an annual approach to the identification of priorities at the UN across all human rights-related meetings in Geneva, as well as in New York, and points to the need for close cooperation between HR/VP and the Commissioner on Humanitarian Aid and Civil Protection, as their dossiers especially on human rights are strongly interlinked;
46. 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 the greater endeavour of upgrading the role of the Union in the human rights work of this organisation; considers that the EU must now vigorously insist on exercising its rights and pursue an ambitious strategy to further enhance its status at the UN;
47. Welcomes the constructive role played by the EU and its Member States in the review of the UNHRC, especially in defence of the independence of the Office of the High Commissioner for Human Rights and in their backing for Special Procedures and country mandates; recalls the need for sufficient funding to keep regional OHCHR offices open;
48. Emphasises the fact that the EU's capacity for outreach must urgently be improved, including through the development of strong alliances with key regional partners and all moderate states, as well as through a mechanism to enlist the support of the HR/VP to lobby third country capitals;
49. Warmly welcomes the HR/VP's statement to Parliament on 13 December 2011, following up on Parliament's longstanding call for the creation of an EU Special Representative on Human Rights; stresses that the mandate holder should be an expert-level appointee with a proven track record on human rights; urges that this appointment be made as swiftly as possible and should be sufficiently resourced to ensure that such a mandate can be fulfilled;
50. Strongly regrets the fact that HR/VP Baroness Ashton will not participate in the 19th session; considers that her absence risks sending out the wrong signal as regards the importance attached to human rights in the EU's external action, and counteracts the positive and constructive efforts she has made to date;
51. Mandates its delegation to the 19th session of the UNHRC to voice the concerns and views expressed in this resolution; calls on the delegation to report to the Subcommittee on Human Rights regarding its visit; considers it indispensable to continue the practice of sending an EP delegation to relevant UNHRC and UNGA sessions;

52. Instructs its President to forward this resolution to the Council, the Commission, 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 66th 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.