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B7-0060/2013

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 the 22nd Session of the UN Human Rights Council
(2013/2533(RSP))

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on behalf of the ALDE Group

B7-0060/2013

European Parliament resolution on the 22nd Session of the UN Human Rights Council (2013/2533(RSP))

The European Parliament,

- having regard to the Universal Declaration of Human Rights and to UN human rights conventions and optional protocols thereto,
- having regard to the European Convention on Human Rights and the EU Charter of Fundamental Rights,
- having regard to the EU Strategic Framework on Human Rights and Democracy, and the EU Action Plan on Human Rights and Democracy as adopted at the 3179th Foreign Affairs Council meeting of 25 June 2012,
- having regard to its recommendation to the Council of 13 June 2012 on the EU Special Representative for Human Rights¹,
- having regard to its previous resolutions on the United Nations Human Rights Council (UNHRC), including Parliament's priorities in this context; having regard, in particular, to its resolution of 16 February 2012 on Parliament's position on the 19th session of the UN Human Rights Council²,
- having regard to the report of the delegation from its Subcommittee on Human Rights on its visit to the 19th session of the UNHRC, and to that of the joint delegation from its Committee on Foreign Affairs, its Subcommittee on Human Rights and its Subcommittee on Security and Defence which attended the 67th session of the UN General Assembly,
- having regard to its urgency resolutions on human rights issues,
- having regard to its resolution of 13 December 2012 on the review of the EU's human rights strategy³,
- having regard to its resolution of 13 December 2012 on the Annual Report on Human Rights and Democracy in the World 2011 and the European Union's policy on the matter⁴,
- having regard to its resolution of 11 December 2012 on a Digital Freedom Strategy in EU Foreign Policy⁵,
- 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,

¹ Texts adopted, P7_TA(2012)0250.

² Texts adopted, P7_TA(2012)0058.

³ Texts adopted, P7_TA(2012)0504.

⁴ Texts adopted, P7_TA(2012)0503.

⁵ P7_TA(2012)0470.

- 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 successful implementation of the EU's recent review of its human rights strategy should enhance the EU's credibility in the UNHRC by increasing consistency between its internal and external policies;
- C. whereas the EU should strive to speak out against human rights violations in united common positions in order to achieve the best possible results and should in this context continue to strengthen cooperation and enhance organisational arrangements between the Member States;
- D. whereas the Council of the European Union has adopted a Strategic Framework on Human Rights and Democracy and an Action Plan for its implementation, with the aim of achieving a more effective and consistent EU policy in this field;
- E. whereas an EU Special Representative for Human Rights has been appointed, whose role it is to enhance the effectiveness and visibility of EU human rights policy and help put the Strategic Framework and Action Plan on Human Rights and Democracy into practice;
- F. whereas a delegation from its Subcommittee on Human Rights will travel to Geneva during the 22nd session of the UNHRC, as has been the case for previous years' UNHRC sessions;
1. Takes note of the ongoing process to confirm EU priorities for the 22nd Session of the UNHRC; welcomes the focus given by the EU to the situation in Syria, Burma/Myanmar, North Korea, and Mali, as well as the EU's support for the extension of the Special Rapporteur's mandate concerning human rights in Iran; endorses, too, the focus on thematic issues such as freedom of religion and belief, the rights of the child, violence against women, and LGBTI rights;
 2. Welcomes the fact that the agenda for the 22nd regular session includes panel discussions on human rights mainstreaming, the negative impact of corruption on the enjoyment of human rights, and the commemoration of the 20th anniversary of the adoption of the Vienna Declaration and Programme of Action, interactive debates, such as on the rights of persons with disabilities, and extensive meetings on various issues, such as children's right to the enjoyment of the highest attainable standards of health; calls on the Member States to actively contribute to these debates and clearly state that human rights are universal, indivisible and interdependent;
 3. Welcomes the reports to be presented by the Special Rapporteurs on, *inter alia*, the human rights situations in Iran, Myanmar and in the Palestinian territories occupied since 1967; welcomes also the written report by the High Commissioner on the situation of human rights in Mali, particularly the northern part of the country, the report on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, the report on freedom of religion or belief, and the report on

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

the promotion and protection of human rights and fundamental freedoms while countering terrorism;

The work of the UN Human Rights Council

4. Notes that 18 new members were elected to the UNHRC in September 2012, and took up their membership on 1 January 2013, namely Argentina, Brazil, Côte d'Ivoire, Estonia, Ethiopia, Gabon, Germany, Ireland, Japan, Kazakhstan, Kenya, Montenegro, Pakistan, the Republic of Korea, Sierra Leone, the United Arab Emirates, the United States of America, and the Bolivarian Republic of Venezuela; and notes that nine EU Member States are now UNHRC members;
5. Notes the election of a new President of the UNHRC, Remigiusz A. Henczel, from Poland, and of four Vice-Presidents for 2013, Cheikh Ahmed Ould Zahaf (Mauritania), Iruthisham Adam (Maldives), Luis Gallegos Chiriboga (Ecuador) and Alexandre Fasel (Switzerland);
6. Stresses that elections to the UNHRC need to be competitive, and expresses its opposition to the arranging of uncontested elections by regional groups; reiterates the importance of standards for UNHRC membership as regards commitment and performance in the human rights field; emphasises that UNHRC members are required to uphold the highest standards in the promotion and protection of human rights; reiterates the importance of strong and transparent criteria for reinstating suspended members;
7. Remains concerned about the phenomenon of 'bloc politics' and its effect on the credibility of the UNHRC and the effectiveness of its work;
8. Reiterates once more the importance for EU Member States to work towards achieving the indivisibility and universality of human rights and to support the work of the UNHRC in this respect, in particular by ratifying the international human rights instruments that this body has established; reiterates its regret that no EU Member State has yet ratified the Convention on the Protection of the Rights of all Migrant Workers and Members of their Families; reiterates, too, its regret that several Member States have not yet adopted and/or ratified the Convention for the Protection of All Persons from Enforced Disappearance or the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and that only two Member States have ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; reiterates its call to all EU Member States to ratify these conventions and protocols, and encourages EU Member States to sign and ratify the recent Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, which opened for signature in Geneva, Switzerland, on 28 February 2012;
9. Welcomes the appointment by the UN General Assembly of Ms Navanethem Pillay for a second term as High Commissioner for Human Rights; reiterates its strong support for the Office of the High Commissioner and for its independence and integrity;
10. Commends the High Commissioner for Human Rights for her efforts in the treaty body strengthening process and welcomes her report on this issue published on 22 June 2012; reaffirms the multi-stakeholder nature of the treaty bodies and emphasises that civil

society needs to be continuously included in these processes; stresses furthermore that the independence and effectiveness of the treaty bodies must be preserved and enhanced; emphasises that sufficient funding needs to be secured in order to cover the treaty bodies' increasing workload; calls for the EU to adopt a leadership role in ensuring the effective functioning of the treaty body system, including with regard to adequate funding;

Arab Spring countries

11. Condemns in the strongest terms the increasing and indiscriminate use of violence by the Assad regime against the Syrian population, including the use of heavy artillery and the shelling of populated areas; condemns unequivocally the continued systematic human rights violations perpetrated by the regime, its security forces and the army, which may amount to crimes against humanity; expresses grave concern about the steadily deteriorating situation for the civilian population; condemns also human rights violations committed by opposition groups and forces; calls on all armed actors to immediately bring an end to the violence in Syria; reiterates its call for the Assad regime to immediately step down; urges all parties to the conflict to ensure full and secure cross-border access for international humanitarian aid efforts;
12. Expresses concern about the spill-over effect into neighbouring countries and its impact on security and stability in the region; calls on the Member States to provide assistance to the countries in the region in their efforts to provide humanitarian relief for refugees from Syria;
13. Welcomes the continued attention which the UNHRC devotes to the dire human rights and humanitarian situation in Syria, as evidenced by the UN resolutions on the situation in the country adopted at the 19th, 20th and 21st UNHRC sessions and the UNHRC Special Session on Syria of 1 June 2012; reiterates the importance of ensuring accountability for violations of international human rights law that have been committed during the conflict;
14. Expresses its full support for the Independent International Commission of Inquiry on Syria and for the UNHRC's extension of its mandate; stresses the importance of the admissibility of digital evidence of crimes, violence and human rights violations; welcomes the appointment of Carla del Ponte and Vitit Muntarbhorn as new members, and the appointment of Paolo Pinheiro as the Special Rapporteur on Syria who will start his work once the mandate of the Commission of Inquiry ends; welcomes the Commission's report exposing the atrocities carried out in Syria; stresses the importance of ensuring accountability for the atrocities and possible crimes against humanity perpetrated in Syria; calls on all states to work on a United Nations Security Council referral of the situation in Syria to the International Criminal Court (ICC);
15. Regrets that agreement has not yet been reached on the adoption of a resolution in the UN Security Council (UNSC) on the situation in Syria and, in particular, that this is stifling the ability to exert effective pressure with a view to ending the violence in the country; calls on the UNSC members to bear in mind their responsibility towards the Syrian people; commends the diplomatic efforts of the VP/HR and the EU Member States in engaging China and Russia on this issue; calls on them to continue with these efforts;
16. Welcomes the final written report by the Independent Commission of Inquiry (COI) on

Libya, presented at the UNHRC's 19th session, highlighting human rights violations committed in the country; urges the UNHRC to continue to monitor the situation in Libya;

17. Expresses concern about the situation for human rights defenders and political opposition activists in Bahrain; condemns the use of lethal violence by security forces against peaceful protestors, including the excessive use of teargas and birdshot at close range; reiterates its call for EU Member States to work towards the adoption at the UNHRC of a resolution concerning the human rights situation in Bahrain;
18. Reiterates its call for the UNHRC to adopt a resolution during its 22nd session establishing an international mechanism to monitor the implementation of Bahrain's Universal Periodic Review (UPR) and the recommendations of the Bahrain Independent Commission of Inquiry (BICI), including those concerning human rights defenders;
19. Welcomes the text on technical assistance and capacity building for Yemen in the field of human rights and the establishment of an OHCHR Country Office in Yemen; urges the UNHRC to continue to monitor the situation in Yemen;
20. Expresses concern about the ongoing political instability and violence in Egypt; fully supports a transition to a democratic society, based on the rule of law and respecting human rights and fundamental freedoms, in particular the freedom of expression, women's rights and respect for minorities; urges the Egyptian authorities to start a transparent investigation into the use of violence by security forces and the police against protestors and to ensure accountability for human rights violations;
21. Calls on the Egyptian government to facilitate an inclusive national dialogue, to broaden the legitimacy of the new constitution, as well as to facilitate free and fair parliamentary elections and to accept the EU's offer to send an election observer mission;
22. Welcomes the work and open process by the Tunisian National Constituent Assembly (NCA) on the draft constitution; stresses the importance of avoiding ambiguous language which could be open to interpretation and provide a basis for restricting rights and freedoms;

Others

23. Welcomes the UNHRC's decision to appoint a Special Rapporteur on the situation of human rights in Belarus, and notes the cross-regional support for the resolution establishing this mandate, which illustrates that the dire human rights situation in the country is being acknowledged by states all over the world;
24. Welcomes the resolution establishing a Special Rapporteur on the situation of human rights in Eritrea; notes that this is the first time that the UNHRC has addressed this issue and applauds the leadership shown by African countries on this matter;
25. Welcomes the extension of the mandates of the Special Rapporteurs on the human rights situations in Iran and in Myanmar; welcomes the extension of the mandates of the independent experts on Côte d'Ivoire, Haiti and Somalia; urges the authorities of these countries to cooperate fully with the mandate-holders;

26. Welcomes the extension of the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (DPRK) for another year; welcomes the fact that the resolution on the DPRK was adopted by consensus, which illustrates the strong level of support for the mandate; urges the Government of the DPRK to fully cooperate with the Rapporteur and facilitate his visits to the country;
27. Deplores the executions carried out in Japan in 2012 after the moratorium on this practice during 2011; condemns also in this context the recent mass executions that have been carried out in Iran; reaffirms its strong stance against the death penalty in all cases and under all circumstances;
28. Welcomes the fact that the situation in Mali is being kept under close scrutiny by the UNHRC, and applauds the leadership shown by the African states that brought the issue to the attention of the UNHRC;
29. Was pleased to note the adoption of the resolution on the Democratic Republic of Congo (DRC), but remains concerned about the human rights situation in the country, notably in the North Kivu province, in the eastern part of the country; strongly condemns the attacks by rebel forces in the east of the country, notably by the M23; welcomes the efforts made by the member states of the International Conference on the Great Lakes Region (ICGRL), the African Union and the UN to find a peaceful political solution to the crisis; calls again for the reestablishment of a UN Independent Expert on the human rights situation in the DRC in order to provide a reliable mechanism, focusing on improving the situation regarding the grave and long-standing human rights concerns in the country;
30. Notes with satisfaction the adoption of the UNHRC resolution on freedom of religion or belief; stresses the emphasis which the EU places on this issue; calls on its Member States to continue working on the issue, and looks forward to the new Guidelines which are expected early this year; commends the work done by the UN Special Rapporteur on freedom of religion or belief; stresses the importance of the renewal of this mandate during the 22nd session of the UNHRC;
31. Welcomes the resolution on Burma/Myanmar in the UNHRC; notes the steps taken by the Burmese Government since early 2011 to restore civil liberties in the country; expresses grave concern, however, about the upsurge in communal violence in Rakhine State and the subsequent deaths and injuries, destruction of property and displacement of local populations; believes that the underlying cause of the situation lies in the long-standing discriminatory policies against the Rohingya population; stresses that more enhanced efforts are needed to solve the root cause of the problem;
32. Welcomes the resolution on Sri Lanka emphasising reconciliation and accountability in the country; reiterates its support for the recommendation made by the UN Secretary-General's Panel of Experts on Sri Lanka regarding the need to establish a UN Commission of Inquiry into all crimes committed;
33. Welcomes too the resolution on the promotion, protection and enjoyment of human rights on the Internet; applauds the call to all states to promote and facilitate access to the Internet and international cooperation aimed at the development of media and information and communications facilities in all countries; urges the EU and Member States to

mainstream digital freedoms in all their efforts and initiatives within the UNHRC;

34. Expresses concern at the situation in the Central African Republic (CAR), where armed groups have attacked and occupied several towns in the north-east of the country; welcomes the agreements signed in Libreville on 11 January 2013, including the ceasefire agreement and the political agreement on the resolution of the crisis in the country; stresses the importance of the swift implementation of these agreements; welcomes the EU VP/HR's statement of 11 January, calling for all signatories to uphold these agreements; urges the Member States to raise this matter in the UNHRC in order to keep the issue of the situation in the Central African Republic high on the international agenda;
35. Expresses its concern at the situation in Israel and Gaza following the escalation of the conflict at the end of 2012 and condemns the acts of violence committed by both sides of the conflict; reiterates its call for the lifting of the blockade of the Gaza Strip, while taking into account Israel's legitimate security concerns, and calls for steps to be taken towards the reconstruction and economic recovery of the Gaza Strip;
36. Condemns the decision taken by the Israeli Government on 2 December 2012 to construct 3 000 new settlement units in the West Bank and East Jerusalem, particularly in the E1 area which, if realised, would cut the West Bank in two; stresses that this decision threatens to undermine the two-state solution; welcomes the international fact-finding mission on Israeli settlements in the occupied Palestinian territory established during the 19th UNHRC session, and looks forward to its reporting back during the 22nd session; deplores the decision by Israel to become the first state not to cooperate with the UPR and is concerned about the possible harm to the principle of universality;
37. Welcomes the UN General Assembly's adoption on 29 November 2012 of the resolution making Palestine a UN non-member observer state; takes note of the overwhelming majority by which the resolution on this matter was adopted, with 138 votes in favour, 9 against and 41 abstentions; takes note, too, that only one EU Member State voted against it; reiterates its support for this endeavour; notes the support expressed by the EU for Palestine to become a full member of the UN as part of a political solution to the Israeli-Palestinian conflict; reaffirms that the EU will not accept any changes to the pre-1967 borders, including with regard to Jerusalem, other than those agreed by the parties;
38. Notes the first annual Forum on Business and Human Rights held in Geneva on 4-6 December 2012, which brought together a broad range of stakeholders to discuss the implementation of the UN Guiding Principles within this area; supports the Forum's initial consultations on how governments and business can be made to adopt regulatory, policy and implementation frameworks to counter business-related human rights abuses; supports the Commission's efforts to further its 'new policy on Corporate Social Responsibility'; stresses that this policy needs to be even more ambitious;
39. Welcomes the work of the open-ended intergovernmental working group on private military and security companies (PMSCs), with a mandate to consider the possibility of an international regulatory framework; recognises the detailed attention given to the option of elaborating a legally binding instrument on the regulation, monitoring and oversight of the activities of PMSCs and expresses its support for such a legally binding regulatory framework; stresses the need for a strong accountability component and invites PMSCs

that have not yet signed the Code of Conduct for Private Security Service Providers (ICoC) to adhere to it; looks forward to the presentation of the working group's report;

Universal Periodic Review

40. Emphasises the significance of the UPR's universal aspect and reaffirms the importance of the UPR in making it possible to fully understand the human rights situation on the ground in all UN member states;
41. Welcomes the commencement of the Universal Periodic Review's second cycle and the adoption of the first outcomes thereof; reiterates the importance of the second cycle focusing on the implementation of the recommendations accepted during the first cycle; calls again, however, for the recommendations that were not accepted by states during the first cycle to be reconsidered in the continuation of the UPR process;
42. Believes that implementation is a key aspect in realising the potential of the UPR process; reiterates, therefore, the importance of EU Member States providing technical assistance in order to help the states under review to implement recommendations; encourages states to present mid-term updates in order to contribute to improved implementation;
43. Recommends including the UPR recommendations systematically in the EU's human rights dialogues and consultations and in EU human rights country strategies, to ensure that UPR outcomes are followed up; recommends, similarly, that Parliament raise these recommendations during its own delegation visits to third countries;
44. Welcomes steps that allow the full participation in the UPR process of a wide range of stakeholders; welcomes, in this connection, the changes to the speakers' list, which gives all states that wish to speak during the UPR process a chance to do so; reiterates its appreciation of the stronger role which national human rights institutions have gained, in line with the Paris Principles; welcomes the enhanced participation from the field due to the increased use of videoconferencing;
45. Believes that more can be done to involve civil society in the UPR process, including in the implementation of UPR outcomes; condemns the use of reprisals against persons who participate in, and cooperate with, the UPR process; stresses that such action undermines the UN human rights system as a whole; urges all states to provide adequate protection against such acts of intimidation;

Special Procedures

46. Reaffirms the crucial role which the Special Procedures play in the credibility and effectiveness of the work of the UNHRC and its core position in the UN human rights machinery; reiterates its strong support for the Special Procedures and stresses the fundamental importance of the independence of these mandates;
47. Urges states to fully cooperate with the Special Procedures, including by receiving mandate-holders for country visits without delay, replying to their urgent actions and allegations of violations and ensuring a proper follow-up to the recommendations made by the mandate-holders; urges UNHRC members to lead by example on these issues;

48. Welcomes the action taken by the EU to jointly extend a standing invitation to all UN Special Procedures on Human Rights, thereby leading by example on this issue; encourages other UN Member States to do the same;
49. Condemns all forms of reprisals against persons who cooperate with the Special Procedures; stresses that such action undermines the UN human rights system as a whole; urges all states to provide adequate protection against such acts of intimidation;

EU involvement

50. Reiterates in the strongest possible terms the importance of active participation by the EU in the UN human rights mechanisms, including the UNHRC; encourages Member States to do so by co-sponsoring resolutions, by actively participating in debates and interactive dialogues, and by issuing statements;
51. Welcomes the appointment of the EU Special Representative on Human Rights, Mr Stavros Lambrinidis; encourages the Special Representative to work towards the effectiveness and visibility of the EU's human rights policy in the context of the UNHRC and to develop close cooperation with the OHCHR and the special procedures; looks forward to cooperating with the Special Representative on these issues;
52. Welcomes the participation of the EU Special Representative on Human Rights in the Forum on Business and Human Rights in Geneva on 4 and 5 December 2012;
53. Reiterates the potential effectiveness of EU action when the Union and its Member States harness their collective weight; stresses the importance of continuing to enhance coordination and cooperation between the Member States in this regard in order to reach common ground on human rights issues; calls again for bolder and more ambitious action and for concrete commitments instead of just accepting the lowest common denominator;
54. Stresses the significance of the ratification of the UN Convention on the Rights of Persons with Disabilities, the first occasion on which the EU ratified a UN Convention as a legal entity;
55. Reiterates how significant it is for the EU to defend the independence of the OHCHR, given the need for the office to exercise its tasks in an impartial manner; and recalls the importance of sufficient funding being provided to keep the OHCHR's regional offices open;
56. Notes that the protection of human rights defenders is a key priority of EU human rights policy; emphasises that reprisals and intimidation against human rights defenders (HRDs) who cooperate with the UN human rights mechanisms threatens to undermine this system; appreciates, therefore, the practical and financial support allocated to the urgent protection of and support for HRDs under the European Instrument for Democracy and Human Rights (EIDHR);
57. Welcomes the establishment of the Brussels-based Council Working Party on Human Rights (COHOM); welcomes the efforts of COHOM to improve the preparation and coordination of EU positions for UNHRC sessions, including the organisation of COHOM

meetings in Geneva; reiterates its expectation that COHOM will be instrumental in addressing the issue of consistency between the external and internal dimensions of EU human rights policy;

58. Welcomes the increased efforts to coordinate the EU's position in a more systematic and strategic way ahead of the UNHRC sessions, including harnessing support from third countries efficiently and in good time; expresses its hope that such practice will be continued and strengthened in the future;
59. Expects that the development of EU human rights country strategies will be duly coordinated with EU action in the UN fora; reiterates its recommendation that EU human rights country strategies should be made public in order to provide visibility to the EU's commitment to human rights in third countries and for human rights defenders and activists to find support in these documents;
60. Stresses the importance of highlighting the issue of the shrinking NGO space in the UNHRC; encourages EU Member States to make concerted efforts to raise this issue;
61. Calls again, in the light of fresh reports of EU companies being complicit in human rights abuses in third countries, on the VP/HR to draw attention to this issue; reiterates, in this connection, the importance of increasing consistency between internal and external policies and of full respect for human rights in internal policies in order to avoid applying double standards;
62. Mandates its delegation to the 22nd 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;

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63. 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 EU Special Representative on Human Rights, the governments and parliaments of the Member States, the UN Security Council, the UN Secretary-General, the President of the 67th UN 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.