



22.2.2010

B7-0123/2010 }
B7-0124/2010 }
B7-0125/2010 }
B7-0126/2010 }
B7-0128/2010 } RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 110(4) of the Rules of Procedure

replacing the motions by the following groups:

Verts/ALE (B7-0123/2010)

S&D (B7-0124/2010)

ECR (B7-0125/2010)

ALDE (B7-0126/2010)

PPE (B7-0128/2010)

on the 13th session of the United Nations Human Rights Council

Laima Liucija Andrikiienė

on behalf of the PPE Group

Richard Howitt, Ana Gomes

on behalf of the S&D Group

Leonidas Donskis, Kristiina Ojuland

on behalf of the ALDE Group

Heidi Hautala, Barbara Lochbihler, Hélène Flautre, Nicole Kiil-Nielsen

on behalf of the Verts/ALE Group

Charles Tannock

on behalf of the ECR Group

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European Parliament resolution on the 13th session of the United Nations Human Rights Council

The European Parliament,

- having regard to its previous resolutions on the United Nations Human Rights Council (UNHRC), in particular its resolution of 14 January 2009 on the development of the UN Human Rights Council, including the role of the EU¹, 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 Rights², of 29 January 2004 on the relations between the European Union and the United Nations³, of 9 June 2005 on the reform of the United Nations⁴, of 29 September 2005 on the outcome of the United Nations World Summit of 14-16 September 2005⁵ and of 7 May 2009 on the annual report on Human Rights in the World 2008 and the European Union's policy on the matter⁶,
- 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 forthcoming 13th session of the UNHRC, to be held in March 2010, and to the eighth round of the Universal Periodic Review (UPR) to be held from 3 to 14 May 2010,
- having regard to the review of the UNHRC to be undertaken in 2011,
- having regard to the institutional changes brought about by the entry into force of the Treaty of Lisbon,
- 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,
- having regard to Rule 110(4) 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

¹ Texts Adopted, P6_TA(2009)0021.

² Texts Adopted, P6_TA(2006)0097.

³ Texts Adopted, P5_TA(2004)0037.

⁴ Texts Adopted, P6_TA(2005)0237.

⁵ Texts Adopted, P6_TA(2005)0362.

⁶ Texts Adopted, P6_TA(2009)0385.

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,
 - C. whereas the review of the UNHRC will follow two tracks, with the status of the body to be discussed in New York, and the procedures in Geneva; whereas a number of initiatives and informal meetings will take place during the coming year,
 - D. whereas the role of the European Union as a global player has increased in recent decades, and a new approach embodied in the new European External Action Service (EEAS) could be instrumental in helping the Union to act more effectively to meet global challenges in a coherent, consistent and efficient manner,
 - E. whereas a delegation from the Subcommittee on Human Rights of the European Parliament will travel to Geneva during the thirteenth 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. Highlights the importance of the 13th Session of the UNHRC – the UNHRC's key session in 2010; welcomes the High-level Segment of the upcoming 13th regular session with the participation of the governments' ministers and other high-level representatives; notes that two issues – the economic and financial crises and the UN Declaration on Human Rights Education and Training (HRET) – will be discussed during the High-level Segment meetings;
 2. Welcomes the fact that on the agenda of the 13th session of the UNHCR is a 'Report of the United Nations High Commissioner for Human Rights on the impact of the global economic and financial crises to the realization of all human rights and on possible actions required to alleviate it'; calls on the EU Member States actively to contribute to this debate;
 3. Calls on EU Member States to take an active part in the annual interactive debate on the rights of persons with disabilities, as well as in the discussions on the right to truth (initiated by the Group of Latin American and Caribbean States (GRULAC) and focusing on the historical truth about repression) and the annual meeting on the rights of the child;
 4. Stresses the importance of EU common positions on issues to be discussed during the 13th session of the UNHRC, even though the modalities regarding the actions of the EU Member States in the UNHRC following the entry into force of the Lisbon Treaty are not yet fully clear;

The work of the Human Rights Council

5. Reiterates its call on EU Member States actively to oppose any attempt to undermine the concept of the universality, indivisibility and interdependence of human rights, and actively to encourage the UNHRC to give equal attention to discrimination on all grounds, including

¹ Articles 2, 3(5) and 6 of the TEU.

gender, race, age, sexual orientation and religion or belief;

6. Warns against the extreme politicisation of the UNHRC, inasmuch as it prevents that body's mandate from being fulfilled; emphasises the importance of country-specific resolutions in addressing serious human rights violations; in this context, strongly condemns the use of 'No-action Motions' and expresses its disappointment at the use of this procedure during the 11th Special Session of the Council, which prevented the adoption of a consistent and coherent final resolution which would have addressed the situation in Sri Lanka;
7. Welcomes the holding, at the initiative of Brazil, of the 13th special session on Haiti, the aim of which was to focus on the incorporation of a human rights approach in the recovery efforts after the devastating earthquake, and the innovative aspects of this session, such as the holding of a special session in the wake of a natural disaster and the involvement of specialised UN agencies as a means of providing an expert basis for the discussion; stresses the important role of the Independent Expert on Human Rights in Haiti in mainstreaming human rights in the wider UN efforts and donor-led initiatives in support of Haiti, and calls on UN Member States to follow up on this session by incorporating the human rights approach in the wider UN efforts in support of Haiti, with particular attention being paid to vulnerable persons, such as children;
8. Calls on the EU Member States to give priority to specific measures by the UNHRC to stop human rights violations against the civilian population in wars and violent conflicts, including violence directed specifically against women and children, as well as the problem of child soldiers;
9. Regrets that the UNHRC has been unable sufficiently promptly to address other serious human rights situations; calls on EU Member States to condemn human rights violations and actively seek the creation of dedicated UNHRC mechanisms to respond to the human rights crises in Afghanistan, Guinea Conakry, Iran, Yemen and Iraq;
10. Reiterates its position with regard to 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; calls on the UN Member States to implement fully the existing standards on freedom of expression and freedom of religion and belief;
11. Reiterates its call on the EU Member States to ensure that human rights are respected in their own internal policies, as failure to do so weakens the EU position in the UNHRC;
12. Welcomes the re-engagement of the United States in United Nations bodies, and its subsequent election as a member of the UNHRC, as well as its constructive work on freedom of expression in the 64th UN General Assembly and on the Action Plan on the follow-up to the Durban Review Conference; calls on the US and the EU Member States to follow through and cooperate fully on such initiatives in the future;
13. Is concerned at Iran's candidacy in the elections to the UNHRC to be held in May 2010;

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reiterates its opposition to the concept of ‘clean slates’ in UNHRC elections, calls for competitive elections for all regional groups and urges the EU to do its utmost to prevent the election to the UNHRC of the countries with the most problematic human rights records;

14. Calls on the EU and its Member States to continue to press for the establishment of membership criteria for election to the UNHRC, especially the minimum requirement of cooperation with Special Procedures in line with their own terms of references; calls for the EU to take a leadership role by developing a set of guidelines with cross-regional partners for use during elections;
15. Calls for effective monitoring of the actual implementation of the Special Procedures and Treaty bodies' conclusions and recommendations in the framework of the UPR process for each country;
16. Calls on the EU Member States to do their utmost to preserve all Special Procedures Mandates; calls for the renewal of the mandate of the UN Special Rapporteur on Myanmar and the Democratic People's Republic of Korea (DPRK) and for a new country-specific mandate on the Democratic Republic of the Congo (DRC), given the worsening humanitarian situation there;
17. Welcomes the ‘Joint study on global practices in relation to secret detention in the context of countering terrorism’, which will be discussed at the 13th session; calls on the EU Member States to support it and to provide adequate follow-up to the report, in line with the previous stances of the European Parliament on the issue, especially its resolutions of 19 February 2009¹ and 14 February 2007² on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners;
18. Calls on the EU actively to engage in the forthcoming UPR sessions in order to ensure a fair procedure and an outcome which supports and acts upon the UN Special Procedures and Treaty bodies' conclusions and recommendations, inter alia by providing the necessary technical assistance to achieve their implementation;
19. Calls on the High Representative of the Union for Foreign Affairs and Security Policy and the Member States to work towards a strong EU common position on the follow-up to the Fact-Finding Mission report on the conflict in Gaza and Southern Israel, publicly demanding the implementation of its recommendations and accountability for all violations of international law, including alleged war crimes, and urging both sides to conduct investigations that meet international standards of independence, impartiality, transparency, promptness and effectiveness, in line with United Nations General Assembly Resolution A/64/L.11, and stresses that respect for international human rights law and international humanitarian law by all parties and under all circumstances is an essential precondition for achieving a just and lasting peace in the Middle East;
20. Calls on the High Representative of the Union for Foreign Affairs and Security Policy and the EU Member States to monitor actively the implementation of recommendations included

¹ Texts Adopted, P6_TA(2009)0073.

² Texts Adopted, P6_TA(2007)0032.

in the Goldstone Report by means of consultation of EU external missions and NGOs in the field; calls for the recommendations and related observations to be included in EU dialogues with both sides, as well as EU positions in multilateral fora;

21. Stresses that, even though the review of the UNHRC is not an issue to be directly addressed during the 13th UNHRC session, there is a need for a transparent and all-inclusive review process taking account of NGOs, civil society and all other relevant stakeholders;
22. Stresses that the review of the UNHRC should not impede it from continuing its substantive work on human rights violations;
23. Calls on the EU Member States, with a view to the forthcoming first meeting of the working group on the review of the UNHRC set up by resolution A/HRC/12/L.28, to agree a common position on this issue as well as an efficient and proactive negotiating strategy; stresses the importance of an EU common position on the UNHRC review process and calls on the EU Member States to respect jointly agreed 'red lines';
24. Calls on its Committee on Foreign affairs to draw up a recommendation to the Council, with a view to providing timely input for the EU position on the forthcoming review;
25. Expresses its view, while recognising the need for a more comprehensive debate, that the review should preserve the independence of the Office of the High Commissioner for Human Rights (OHCHR), safeguard and, if possible, strengthen the Special Procedures, and guarantee 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; acknowledges the discussions on ways to strengthen the UNHRC without having recourse to the institution-building package;

EU involvement

26. Recognises the active involvement of the EU and its Member States in the work of the UNHRC, congratulates Belgium on a successful UNHRC Presidency so far and welcomes the Spanish Presidency of the EU's priorities in the human rights field;
27. Calls on the Council and the Commission to continue their efforts to promote universal ratification of the Rome Statute and national implementing legislation, in conformity with Council Common Position 2003/444/CFSP of 16 June 2003 on the International Criminal Court¹ and the 2004 action plan to follow up on the common position; acknowledges the Cooperation and Assistance Agreement between the EU and the ICC and, on that basis, calls on the European Union and its Member States to cooperate fully with the Court and provide it with the necessary assistance; notes that the first Review Conference of the Rome Statute will be held in Kampala, Uganda, from 31 May to 11 June 2010 and will be a crucial step in the further development of the Court;

¹ http://www.consilium.europa.eu/uedocs/cmsUpload/l_15020030618en00670069.pdf

28. Believes that the new institutional structure of the EU offers an opportunity to increase the coherence, visibility and credibility of EU action in the UNHRC; calls on the High Representative/Vice-President of the Commission to ensure that practical steps are taken to implement the Lisbon Treaty, in order to avoid an excessively long transition period, which would compromise the credibility and effectiveness of the Union, and to ensure that the new arrangements increase the EU's capacity for cross-regional outreach and cooperation with countries from other blocs on common initiatives;
29. Mandates its delegation to the 13th 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 appropriate to continue sending a European Parliament delegation to relevant sessions of the UNHRC;

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30. Instructs its President to forward this resolution to the Council, the Commission, the High Representative/Vice-President of the Commission, 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.