Development of the UN Human Rights Council, including the role of the EU

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The Committee on Foreign Affairs adopted the report drafted by Laima Liucija **ANDRIKIEN** (EPP-ED, LT) on the development of the UN Human Rights Council, including the role of the EU. The committee welcomes the work carried out by the UNHRC in its first two years of activity and notes that it has the potential to develop into a valuable framework for the European Union's multilateral human rights efforts. However, the committee regrets that during the first two years of its activities, the new body has not yet achieved more substantial progress in improving the United Nations' human rights record.

MEPs regret the failure of the UNHRC to take action on many of the world's most urgent human rights situations, partly due to the growing reluctance on the part of numerous UNHRC States which oppose any consideration of country situations including through country resolutions, special sessions and Special Procedures country mandates on the grounds that this would allegedly politicise the UNHRC. MEPs reiterate the view that the UNHRC's ability to address country situations effectively is central to its authority and credibility.

Other issues are raised as concerns the HRC, such as:

- the growing division of the UNHRC into regional blocs which creates a “bloc mentality” which undermines its ability to deal effectively, impartially and objectively with human rights violations around the world;
- the quasi-universal composition of the HRC (notably at debates) could complicate voting, therefore MEPs suggest that a smaller composition could be beneficial to facilitate the debating process (even though the possibility of universal membership is to be explored in the context of the 2011 review);
- the fact that the **principle of the universality of human rights** is being increasingly put at risk, as is illustrated in particular by the attempts on the part of certain countries to introduce limits to well-recognised human rights, such as freedom of expression, or to interpret human rights against a cultural, ideological or traditional background; MEPs call on the EU to remain vigilant vis-à-vis these attempts and to strongly defend the principles of the universality, indivisibility and interdependence of human rights.

MEPs also examine certain procedures and practices of the UNHRC:

Special Procedures: MEPs consider that the Special Procedures are at the core of the UN human rights machinery and stress that the credibility and effectiveness of the UNHRC in the protection of human rights rests on cooperation with Special Procedures and their full implementation. They regard Special Procedures **on country situations** as an essential instrument for improving human rights on the ground. They consider that the nature and frequency of the country reviews under the UPR cannot replace country mandates and consequently opposes the attempts by certain countries to use the argument of “rationalisation” of Special Procedures in order to eliminate those mandates. MEPs deplore in this respect the termination of country mandates in respect of Belarus, the Democratic Republic of the Congo and Cuba, and the abolition of the Group of Experts on Darfur. They also condemn the efforts made by several UNHRC Members to limit the independence and efficiency of Special Procedures and welcome the adoption of a Code of Conduct for Special Procedures Mandate-Holders. They call for improvement as regards the selection and nomination of appropriate special procedures mandate-holders and for continuous support to be given to Special Procedures in terms of finance and human resources.

Universal Periodic Review: MEPs recognise the potential value of the UPR mechanism in improving the universality of the monitoring of human rights commitments and practices throughout the world. However, MEPs regret that these first two sessions have not entirely lived up to expectations with regard to an "objective, transparent, non-selective, constructive, non-confrontational and non-politicized" process.

MEPs call for increased attention to be given to economic, social and cultural rights as well as the rights of minorities during the UPR process. MEPs denounce the **use of political alliances** to shield certain States from scrutiny rather than to critically assess human rights conditions and protections, which seriously undermines the very purpose of the UPR. They express concern that, in several cases, the final report of the UPR and the interactive dialogue during the review did not reflect the information contained in the summary documents or even contradicted independent experts' findings, thus depriving the review process of its pertinence, and that the recommendations put forward in the reports of the Working Group were too vague and lacked any operational substance.

The members of the UPR Working Group are called upon to provide measurable, concrete, realistic and victim-oriented recommendations in its future reviews, based on information established by independent monitoring mechanisms or NGOs. MEPs regret the **non-binding character of UPR recommendations**, which stems from the right that the UPR affords States to decide which recommendations they can accept.

Participation of civil society and the Office of the High Commissioner for Human Rights: MEPs reiterate the importance of participation by civil society in the work of the UNHRC, and urges the EU Member States to introduce effective ways and instruments enabling civil society to participate in the UNHRC. MEPs reaffirms their opinion that the OHCHR is a key body within the United Nations system since it plays a crucial role in protecting and upholding human rights by mainstreaming those rights throughout the UN system and within all relevant organisations, notably in connection with activities linked to the restoration or strengthening of peace, development and humanitarian action. They encourage the efforts of the OHCHR to strengthen its presence on the ground through the opening of regional offices for example in Bishkek (Kyrgystan). They expresses their appreciation of the work of Ms Louise Arbour as head of the OHCHR and are confident that her successor, Ms Navanethem Pillay, will engage with similar enthusiasm and live up to the challenges of the post.

MEPs call on the EU Member States to continue to support the OHCHR, especially in the Administrative and Budgetary Fifth Committee of the General Assembly, so as to ensure that there is no interference with its independence and that it is granted all the financial resources needed to enable it to carry out its mandate.

The EU's role in the UNHRC: MEPs welcome the fact that all of the resolutions proposed or co-sponsored by the EU have been approved by the UNHRC during its first eight regular sessions and first seven special sessions; however, they regret that many controversial and non-consensual issues were not put to a vote. They note that the EU Member States participating in the UNHRC are split into two regional groupings, namely the Western European States group and the Eastern European States group. They also note that the EU opposes the presentation of "clean slates" by regions, which results, effectively, in EU Member States competing between themselves for election to the UNHRC. The EU is encouraged to continue to press for the establishment of membership criteria for election to the UNHRC.

Noting that the EU finds itself in a numerical minority within the UNHRC, which certainly presents a challenge when it comes to making its voice heard, MEPs call on EU Member States to reinforce the EU's message by putting across **"one message, but with many voices"**. They encourage EU Member States to further develop cross-regional initiatives as a useful way of counteracting bloc policies.

Although MEPs support the EU's stance in seeking a coordinated, common position at the UNHRC, they regret that, in the process of achieving a common policy amongst the EU Member States at the UNHRC, the EU often arrives at the UNHRC forum with the lowest common denominator, thereby restricting the

dynamics of the EU diplomatic potential with other regional groupings. They regret the rather defensive attitude adopted by the EU in the UNHRC, in particular its reluctance to put forward resolutions on country situations, as well as its deliberate choice of consensus and its tendency to avoid language that would generate opposition, which in turn results in the acceptance of compromises that do not reflect the EU's preferences, as in the case of the resolutions adopted on Darfur in 2007, which resulted in the Group being disbanded despite the EU having originally pushed for it to be maintained.

MEPs call on the EU and its Member States to make better use of their potential influence in order to exercise the role that it could play as the leader of a group of democratic countries with solid human rights records. They consider that this leadership role can be best achieved **by enhancing the partnerships with states from other regional groups**, as shown by several EU initiatives within the UN system, such as the General Assembly resolutions on a moratorium on the death penalty and on the right to water.

MEPs calls for closer coordination and cooperation between the relevant Brussels-based working groups of the Council of the EU and the EU Offices and the EU Member States' Permanent Representations in New York and Geneva and encourage the **regular presence of Parliament's delegations** at the sessions of the UNHRC in Geneva.

Lastly, as regards the review of the UNHRC to be undertaken in 2011, MEPs calls on the EU to:

- reaffirm and strongly defend the principles of the universality, indivisibility and interdependence of human rights;
- ensure that the ability of the UNHRC to address country situations, including through country mandates, is preserved and reinforced;
- ensure the independence and effectiveness of Special Procedures in general, and work towards the realisation of the obligation to cooperate with Special Procedures for members of the UNHRC;
- work towards the strengthening of independent monitoring mechanisms and findings in the UPR process;
- reaffirm the UNHRC's specific role as the principal and legitimate international human rights forum and its complementarity vis-à-vis other UN bodies;
- safeguard the independence of the OHCHR;
- reinforce its external coalition-building strategy, notably through cross-regional initiatives;
- further address its internal/external human rights credibility, notably through Treaty ratification.