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

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The European Parliament adopted by 629 votes to 26, with 10 abstentions, a resolution on the development of the UN Human Rights Council (UNHRC), including the role of the EU.

The own initiative report had been tabled for consideration in plenary by Laima Liucija **ANDRIKIEN** (EPP-ED, LT), on behalf of the Committee on Foreign Affairs.

The Parliament considers that after almost three years, this body - created to cure weaknesses in the UN Human Rights Council which suffers from a lack of credibility – has not fully fulfilled its objectives. While it is true that the UNHRC has carried out considerable work since its creation and that it provided for the adoption of important human rights standardsetting texts (such as the International Convention for the Protection of All Persons from Enforced Disappearances and the UN Declaration on the Rights of Indigenous Peoples, as well as the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which constitutes a landmark decision as it provides for a mechanism enabling victims of such violations to present petitions at the international level), the Parliament regrets that it has not yet achieved more substantial progress in improving the UN human rights record. The Parliament regrets, in particular, the failure of the UNHRC to take action on many of the world's most urgent human rights situations, partly due to the reluctance **on the part of numerous States** which oppose any consideration of country situations, on the grounds that this would allegedly politicise the UNHRC. The Parliament reiterates, however, the view that **the UNHRC's ability to address country situations** effectively is central to its authority and credibility.

The UNHRC is criticised on several other issues, including:

- the growing division of the UNHRC into regional blocs as this "**bloc mentality**" undermines the ability of the UNHRC to deal effectively, impartially and objectively with human rights violations around the world;
- 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 to introduce limits to well-recognised human rights or to interpret human rights against a cultural, ideological or traditional background. The Parliament therefore calls on the EU to remain vigilant and to strongly defend the principles of the universality of human rights.

However, the Parliament welcomes the fact that the procedure for election to the UNHRC has made it possible to exclude from the UNHRC major human rights violators such as **Iran** and **Belarus**. While it acknowledges the desire for universality of the UNHRC (a 2011 review may provide for the opening up of the UNHRC to universal membership), the Parliament believes that a smaller composition could also prove to be beneficial.

The Parliament also refers to certain procedures and practices of the UNHRC, making the following points:

- **special procedure** (a mechanism for monitoring human rights in specific countries or for tackling global issues in terms of human rights): this type of procedure is at the core of the UN human rights machinery and therefore of its credibility and effectiveness. This procedure should therefore be strengthened as only a **country by country review** reveals how human rights are being respected

on the ground. The Parliament is therefore strongly opposed to the attempts by certain countries to use the argument of "rationalisation" of Special Procedures in order to eliminate this type of mandate. Moreover, the Parliament condemns any limitations to the independence of special procedures and calls for a Code of Conduct in this area. It also calls for the selection and nomination of appropriate Special Procedures mandate-holders to be improved, as well as ways and means to strengthen this type of procedure. Furthermore, it proposes the establishment of mechanisms to report on the implementation of recommendations following a special procedure;

- **Universal Periodic Review** (or UPR, which subjects all UN Member States to equal treatment and scrutiny): the Parliament recognises the potential value of the UPR mechanism in improving the universality of the monitoring of human rights commitments and practices throughout the world. It regrets, however, that there has still not been any real response to the attempts made with regard to an "objective, transparent, non-selective, constructive, non-confrontational and non-politicised" process. According to the Parliament, this objective can be achieved only if the review involves independent expertise at all stages of the review process and an effective, result-oriented follow-up mechanism. It calls, in particular, for greater attention to be paid to economic, social and cultural rights as well as the rights of minorities during the UPR process. The Parliament particularly denounces the **use of political alliances** to shield certain States from scrutiny rather than to critically assess them (this practice reached a dangerous level in the review of Tunisia, which contained declarations significantly contradicting independent experts' findings). To reverse this trend, the Parliament calls on the members of the UPR Working Group to provide measurable, concrete, realistic and victim-oriented recommendations in its future reviews, based on information established by independent monitoring mechanisms or NGOs. The Parliament also regrets the **non-binding character of UPR recommendations**. In a wider sense, the Parliament calls on the UNHRC to increase the efficiency of the UPR, notably by tightening up procedures with a view to avoiding the deliberate obstruction of certain States;
- **participation of civil society and the Office of the High Commissioner for Human Rights**: reiterating the importance of participation by civil society in the work of the UNHRC, the Parliament urges the EU Member States to introduce effective ways and instruments enabling civil society and NGOs to participate in the UNHRC, including by involving them in practical terms on the ground. Moreover, it reaffirms its opinion that the OHCHR is a key body within the UN system and that it has a crucial role in protecting and upholding human rights. It welcomes, in particular, the opening of regional offices in Bishkek (Kyrgyz Republic) and the commitment of Ms Louise Arbour and Ms Navanethem Pillay to the role of High Commissioner for Human Rights. It therefore calls on the EU to continue to support the OHCHR, so as to ensure that there is no interference with its independence.

The EU's role in the UNHRC: the Parliament believes that the UNHRC has the potential to develop into a valuable framework for the EU's multilateral human rights efforts. It identifies, however, a certain number of challenges, including the regrettable absence of the United States from the UNHRC, which has led to the need for the EU to take on even more responsibility. However, EU Member States often constitute a numerical minority in relation to regional groups from Africa and Asia, which reduces the EU’ s impact within the UNHRC. The Parliament also notes some of the EU’s successes, such as the call for special sessions on the situation regarding human rights in Darfur in December 2006, in Burma/Myanmar in October 2007 and in the East of the Democratic Republic of the Congo in November 2008.

Returning to the specific role of the EU within the UNHRC, the Parliament welcomes its sponsoring or co-sponsoring of certain UNHRC resolutions, but regrets, nevertheless, that many controversial issues have still not been put to a vote. The Parliament also notes that the EU Member States constitute a numerical minority within the UNHRC, which seriously obstructs the EU's ability to influence the agenda, and therefore calls on EU Member States to reinforce the unanimity of the EU's message by putting across " **one message, but with many voices**". It encourages EU Member States to further develop cross-regional initiatives as a useful way of counteracting bloc policies. It also calls on the EU and the Organisation of The Islamic Conference to intensify efforts to improve their mutual understanding and collaboration. The

Parliament also calls on the EU to develop the practice put forward during the Slovenian presidency of "outreach" towards other UNHRC members and burden-sharing between EU Member States. It welcomes, in particular, the increasing trend whereby EU Member States intervene in the debates.

While the Parliament supports the EU's stance in seeking a **coordinated, common position at the UNHRC**, it regrets however that, in the process of achieving a common policy, 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. It also regrets the rather defensive attitude adopted by the EU in the UNHRC (in particular its reluctance to put forward resolutions on country situations, as these usually meet with intense resistance from particular countries) as well as its deliberate choice of consensus that does not necessarily reflect the EU's preferences.

The Parliament therefore calls 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, including by **enhancing the partnerships with States from other regional groups** (as was the case for achieving a moratorium on the death penalty and the vote on the resolution on the right to water).

The Parliament calls for closer coordination and cooperation between the relevant Brussels-based UNHRC working groups, as well as for the **regular attendance of Parliament's delegations** at the sessions of the UNHRC in Geneva.

In the light of the review of the UNHRC to be undertaken in 2011, the Parliament calls on the EU to:

- reaffirm the principles of the universality, indivisibility and interdependence of human rights;
- reinforce the ability of the UNHRC to address country situations;
- 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;
- strengthen the 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 strengthen its internal/external human rights credibility, notably through treaty ratification.

Lastly, the Parliament once again calls on the EU to make more effective use of its aid and political support to third countries, as well as other instruments such as human rights dialogues and consultations, with a view to guaranteeing broader agreement on its initiatives or initiatives that it co-sponsors. It calls on the EU Member States and the Commission to take into account the outcome of the UNHRC's work vis-à-vis a given State, including the recommendations and conclusions of the UPR, when **defining the objectives and priorities of EU assistance programmes**.