

Wednesday 13 June 2012

- (be) to support biodiversity and climate protection in the developing countries in line with the objectives set under the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity; to make seas and oceans one of the key pillars of the Rio Framework, alongside climate and biodiversity protection;
- (bf) to support the Commission's active participation in the ongoing debate on Protection Gaps and Responses launched by the United Nations High Commissioner for Refugees as part of the 2010 High Commissioner's Dialogue on Protection Challenges, which aims to improve the existing international protection framework for forcibly displaced and stateless people; to participate actively in the debate on the term 'climate refugee' (intended to describe people who are forced to flee their homes and seek refuge abroad as a consequence of climate change), including a possible legal definition of this term, which is not yet recognised in international law or in any legally binding international agreement;

Miscellaneous

- (bg) to promote interaction on global issues between governments and parliaments and foster debate on the global role of parliaments; to strengthen the democratic nature, accountability and transparency of global governance and allow for greater public and parliamentary participation in the activities of the UN;
2. Instructs its President to forward this recommendation to the HR/VP, the Council and, for information, the Commission.

EU Special Representative for Human Rights

P7_TA(2012)0250

European Parliament recommendation to the Council of 13 June 2012 on the EU Special Representative for Human Rights (2012/2088(INI))

(2013/C 332 E/24)

The European Parliament,

- having regard to Articles 2, 3, 6, 21, 31, 33 and 36 of the Treaty on European Union (TEU),
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to its resolution of 16 December 2010 on the Annual Report on Human Rights in the World 2009 and the European Union's policy on the matter ⁽¹⁾,
- having regard to its resolution of 18 April 2012 on the Annual Report on Human Rights in the World and the European Union's policy on the matter, including implications for the EU's strategic human rights policy ⁽²⁾,
- 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 entitled 'Human rights and democracy at the heart of EU external action – Towards a more effective approach' (COM(2011)0886),

⁽¹⁾ Texts adopted, P7_TA(2010)0489.

⁽²⁾ Texts adopted, P7_TA(2012)0126.

Wednesday 13 June 2012

- having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'Delivering an area of freedom, security and justice for Europe's citizens – Action plan implementing the Stockholm Programme' (COM(2010)0171),
 - having regard to the European Union's Guidelines on Human Rights and International Humanitarian Law ⁽¹⁾,
 - having regard to the accession of the European Union to the Convention for the Protection of Human Rights and Fundamental Freedoms,
 - having regard to the declaration by the High Representative of the Union for Foreign Affairs and Security Policy on political accountability ⁽²⁾,
 - having regard to Rule 97 of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Foreign Affairs (A7-0174/2012),
- A. whereas Article 21 of the Treaty on European Union reaffirms the EU's commitment to promoting human rights and democracy in all its external actions while guaranteeing coherence and consistency across these areas and between its external action and its other policies;
- B. whereas Article 33 of the TEU provides the legal basis for the appointment of the EU Special Representative (EUSR) for Human Rights, namely: 'The Council may, on a proposal from the High Representative of the Union for Foreign Affairs and Security Policy, appoint a special representative with a mandate in relation to particular policy issues. The special representative shall carry out his mandate under the authority of the High Representative';
- C. whereas the European Parliament has repeatedly called for the appointment of an EU Special Representative for Human Rights (EUSR for HR), as set out in its above-mentioned resolutions of 16 December 2010 and of 18 April 2012;
- D. whereas the EUSR for HR should strengthen the visibility and coherence of the EU's Human Rights Policy as a fundamental part of its Common Foreign and Security Policy (CFSP) and contribute to raising the EU's human rights profile worldwide;
1. Addresses the following recommendations to the Council:
- (a) while the appointment of the EUSR for HR and the establishment of his/her mandate is formally a Council decision based on a proposal by the EU High Representative, the EUSR for HR should act and speak on behalf of the Union, reflecting the shared and indivisible responsibility of all EU institutions and Member States to protect and promote human rights worldwide; the appointment of the first ever thematic EUSR should enhance the visibility, effectiveness, coherence and accountability of the EU's human rights policy; in particular, the European Parliament should play its appropriate role in the appointment procedure and the oversight of the mandate during its entire term;
 - (b) in order to strengthen the transparency and accountability of the mandate of the EUSR, an exchange of views/hearing with the EUSR for HR nominated by the High Representative should take place in the relevant committee of the European Parliament;

⁽¹⁾ http://www.eeas.europa.eu/human_rights/docs/guidelines_en.pdf

⁽²⁾ OJ C 351 E, 2.12.2011, p. 470.

Wednesday 13 June 2012

- (c) the implementation of the mandate and its consistency with other contributions from the Union in this domain should be kept under regular review; the EUSR should provide the Council, the High Representative, Parliament and the Commission with an annual progress report and a comprehensive implementation report on the mandate at the end thereof;
- (d) the policy objectives of the EUSR for HR should include enhancing the coherence, effectiveness and visibility of EU action in the protection and promotion of human rights and democracy; the EUSR HR should work in close cooperation with the Council Working Group on Human Rights (COHOM); the EUSR for HR should be a high-level interlocutor for his/her counterparts in third countries and at international organisations, also able to engage with the UN (UNGA, UNHRC, etc.) as well as relevant regional organisations; the EUSR for HR should chair high-level human rights dialogues and lead the consultations with third countries on human rights issues;
- (e) in order to achieve these objectives, the EUSR, while acting under the authority of the High Representative, should be granted a strong, independent and flexible mandate not defined by narrow and specific thematic responsibilities but rather allowing the EUSR to act swiftly and effectively; in line with the actions and priorities set out in the Action Plan, the EUSR for HR should also address different horizontal issues contributing to more effective and coherent action in EU external policies; the scope of the EUSR's mandate should be fully in line with the principles of universality and indivisibility of human rights and fundamental freedoms and with the policy objectives laid down in Article 21 of the TEU, and should cover the strengthening of democracy, the rule of law and institution building, international justice and international humanitarian law; the mandate should include, *inter alia*, abolition of the death penalty, human rights defenders, the fight against impunity, the fight against torture, freedom of expression (including on the internet), of association, of assembly, of religion and of belief, minority rights, child protection, women's rights, peace and security, gender issues, and the fight against discrimination in all its forms, whether based on disability, racial or ethnic origin, gender, sexual orientation or gender identity;
- (f) the mandate should be based on the principles guiding the EU's HR policy and, in particular, on the EU guidelines on the death penalty (2008); torture and other cruel, inhuman or degrading treatment or punishment (2008); human rights dialogues with third countries (2009); children and armed conflict (2008); human rights defenders (2008); promotion and protection of the rights of the child (2008); violence against women and girls and combating all forms of discrimination against them (2008); international humanitarian law (2009), the LGBT toolkit (2010) as well as the EU's annual reports on human rights in the world; moreover, the mandate should include supporting the High Representative and the EU institutions in the promotion of the UN Guiding Principles on Business and Human Rights;
- (g) the EUSR for HR should have the necessary professional qualifications, extensive experience and proven track record in the field of human rights, as well as personal and professional integrity and an international reputation;
- (h) the EUSR for HR should be appointed for 2,5 years; in order to ensure continuity, coherence and democratic accountability, the mandate should be renewable and the Parliament should be properly consulted in a timely manner during the renewal process;
- (i) the EUSR for HR should work closely with the High Representative of the Union for Foreign Affairs and Security Policy and the President of the European Parliament to ensure coherence and mainstreaming of human rights across all policy areas in the work of all EU institutions; the EUSR should interact closely with the EEAS Human Rights and Democracy Directorate and all the multilateral EU delegations (New York, Geneva, Vienna, Strasbourg), as well as with all EU delegations in the world, in order to facilitate contacts on human rights issues with all EU services, EU delegations in third countries and international organisations; the EEAS Human Rights and Democracy Directorate should provide all necessary services and facilitate the implementation of the EUSR's mandate;
- (j) while maintaining close links with the Council's Political and Security Committee, the EUSR for HR should regularly report to the relevant committee of the European Parliament on the situation of human rights in the world and the state of play of the implementation of the mandate, including the results of the UNHRC and UNGA sessions and human rights dialogues with third countries and the implementation of Human Rights Country Strategies;

Wednesday 13 June 2012

- (k) the EUSR for HR, while implementing his/her mandate, should cooperate with representatives of local, regional and national civil society, NGOs, experts, and regional and international organisations acting in the field of protection of human rights and democracy;
 - (l) the EUSR for HR should be provided with adequate financial and human resources in order to guarantee the effective work of the Special Representative and his/her team; the budget of the EUSR for HR should be reviewed annually;
 - (m) the EUSR for HR should be responsible for constituting a team, covering the necessary policy expertise in line with, and acting in the interest of, his/her mandate; in view of the scope and cross-sectoral nature of the mandate, it is important to assign sufficient staff to work under the direct supervision of the EUSR for HR; the team may include seconded staff from Member States and EU institutions, reflecting also the need to ensure coherence and the mainstreaming of human rights across the activities of all EU institutions and Member States;
 - (n) a reference to this recommendation should be included in the mandate of the EUSR for HR;
2. Instructs its President to forward this recommendation to the Council, the High Representative of the Union for Foreign Affairs and Security Policy and, for information, the Commission.
-