



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 30 April 2012

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**PE 180
COHOM 93
CONUN 62**

NOTE

from: General Secretariat of the Council
to: Delegations

Subject: Summary record of the meeting of the European Parliament Subcommittee on Human Rights (DROI), held in Brussels on 25 and 26 April 2012

The meeting was chaired by Ms Lochbihler (Greens/EFA, DE).

1. Adoption of agenda

The agenda was adopted as proposed.

2. Chair's announcements

The Chair recalled the human rights resolutions adopted during the last Plenary session. She said she hoped that Aung San Suu Kyi would be able to come to the EP to be presented the Sakharov prize.

3. Public Hearing on Justice in the Arab Spring Countries - accountability for human rights violations, and transitional justice and judicial reform

The first invited speaker Mr Megally, Office of the UN High Commissioner on Human Rights, discussed the challenges of dealing with past HR violations in general and specifically in the case of Libya, Yemen and Tunisia. He stressed that these processes would only be successful and restore confidence in the state if they were truly inclusive.

The second invited speaker, Mr Kramer, President of Freedom House, presented the findings of the latest Freedom House annual report in the Middle East/North Africa region.

The third invited speaker, Ms Morayef, researcher for the Middle East and North Africa, Human Rights Watch, discussed the present situation in Egypt in respect of the role of the military in political life and the on-going legal proceedings against a number of domestic and foreign NGOs.

The fourth invited speaker, Ms al-Khawaya, Bahrain Center for Human Rights, gave a very critical account of the present human rights situation in Bahrain and in other Gulf States, and regretted that due to geopolitical considerations these violations were not condemned internationally.

The fifth invited speaker, Mr Mingarelli, Managing Director for the Middle East and the Southern Neighbourhood, EEAS, presented the various EU assistance programmes in Southern Neighbourhood countries and stressed that cooperation with civil society was extremely important.

The Ambassador of Bahrain was briefly given the floor to respond to Ms al-Khawaya's presentation.

4. Exchange of views on human rights violations in Syria with Hanny Megally, Head of the Middle East and North Africa Branch of the OHCHR

Mr Megally recalled that the Syrian situation was at a critical junction as a ceasefire had been agreed and the 6-point Koffi Anan Plan accepted. He explained that the independent commission of inquiry had a mandate to investigate all alleged violations of international human rights law and sought to establish the facts and circumstances on the ground. He explained that the United Nations High Commissioner for Human Rights Office or the members of the commission of inquiry had not been allowed to enter Syria. He said that according to his information unfortunately the situation had not really calmed down, but some improvements could be observed. He estimated that there were 1 million people in need of humanitarian assistance.

Mr Mingarelli, EEAS, outlined the main elements of the FAC conclusions on Syria of 23 April 2012 and explained that humanitarian operations were run by ECHO, which channels its humanitarian aid through local NGOs.

In the debate the Chair raised the issue of EU dual use technology exportation rules, and the human rights violations perpetrated by the Syrian opposition. Mr Howitt (S&D, UK) asked about the situation of internally displaced persons and refugees.

5. Exchange of views on the follow-up to the EP Resolution on Kazakhstan

Ms Jaakonsari (S&D, FI) presented the March 2012 EP Resolution on Kazakhstan and stressed that the EP was very concerned with the human rights and democracy situation as well as media freedoms in this country. She stressed that the EU's economic cooperation with Kazakhstan should go hand in hand with defending human rights and democratic values. She in particular called attention to the violent crackdown against demonstrators in Zhanaozen, Kazakhstan in December 2011.

The first invited speaker, Mr Vinyavskiy, editor-in-chief of the "Vzglyad" newspaper, presented a critical view of the current political and social situation in the country and called for an independent investigation into the Zhanaozen incident. The second invited guest, Mr Ketebayev, Chair of the "Civil Activity" Foundation, explained that many social groups in Kazakhstan were increasingly disappointed with the government, however the state made no efforts to respond. The EEAS representative explained that they were following the situation in Kazakhstan very closely and were indeed very concerned at the human rights situation.

6. Question time

The Chair tabled a question regarding a particular case of land ownership dispute in Uganda. The EEAS explained that land ownership problems in Africa were very complex and their resolution very difficult and that the EU did carry out various projects in support of small producers and rural development. The Chair has asked the EEAS to look into the particular individual case raised.

Ms Gomes (S&D, PT) tabled a question regarding the EU's support for civil society in Equatorial Guinea. The EEAS explained that the EU was evaluating at present the possibility of running new projects in Equatorial Guinea, and a call for proposals would be launched in 2013 for EUR 200 000 in support for non-state actors. He explained that limitations to assistance arose from the fact that Equatorial Guinea had not ratified the revised Cotonou Agreement and could not benefit from EDF funding either.

7. Report back from the DROI Delegation to the 19th Session of the UN Human Rights Council in Geneva

Under this item, Ms Lochbihler reported back from the 19th session of the HRC in Geneva in March this year. Overall she regarded the 19th HRC session as a success and stressed that it was very important that the EU provide adequate financial support for Ms Pillay's office. Mr Theuermann explained that COHOM had already started preparations for the 2012 HRC sessions last year in order to be able to define well in advance what the EU's priorities were, and how to make the best possible use of the HRC tool box. The COHOM Chair, Mr Theuermann, agreed that the session had been quite successful, in particular noting the Syria and Myanmar/Burma resolutions. He stressed that the EP's discussions, delegations' visits and resolutions were an important part of collective EU efforts. Ms Lochbihler concluded that she hoped HR Ashton would be able to attend the High Level Segment next time. Mr Theuermann explained that HR Ashton had been represented by the Danish FM. He had also presented EU priorities for the June session of the HRC.

8. Exchange of views with Engelbert Theuermann, Chair of the Council's Working Group on Human Rights (COHOM)

Mr Theuermann explained that COHOM was currently dealing with the review of the EU human rights strategy, the draft EIDHR and guidelines as well as local HR country strategies. Regarding the ongoing review of the EU human rights strategy, he explained that the EEAS had submitted proposals, which included an action plan, the mandate of the EU special representative (SR) for Human Rights and a political declaration, to the Council for examination and adoption.

Ms Lochbihler asked whether it would be possible for the MEPs to obtain access to local HR strategies. Mr Theuermann explained that there was a strong sense that confidentiality was needed in relation to local HR strategies and that this was beyond the COHOM remit. Ms Lochbihler said that the EP would like to facilitate the adoption of the EU human rights strategy package in June and would adopt a recommendation regarding the special representative through an accelerated procedure. She stressed that the EP would like to be more involved and have more clarity as to the format of involvement. Ms Lochbihler also explained that Rapporteur Tavares would propose the establishment of a working group on human rights in his report to look at substantive points together with COHOM, the Commission and the EEAS.

9. Exchange of views on the Special Representative on Human Rights (Recommendation to the Council, Rule 97)

Ms Andrikiene, the Rapporteur for the recommendation regarding the Special Representative (SR) for Human Rights, explained that her report should be voted on at the June I Plenary session. Regarding the SR to be appointed, she stressed that he or she should represent the whole of the EU, not only HR Ashton, and should have a strong mandate in order to show the importance that the EU attaches to HR. She stressed that the EP should play an important role in the oversight and appointment of the SR and called for the candidate(s) for the post to come to the EP for an *in camera* exchange of views and a joint letter from the DROI and AFET chairs on the candidate(s) would not be necessarily binding. Mr Tavares (Greens/EFA, PT) supported the Rapporteur and proposed that the EP hold a public hearing with candidates for the post of SR. In response to this proposal, the Chair said she thought it ought rather to be an *in camera* meeting.

Mr Theuermann presented the legal bases for the adoption of a decision on the EU Special Representative, namely Article 33 of the TEU, and stressed that the EP's position was clearly defined in Article 36 of the TEU. He considered that, in the light of past practices, it could be possible that the EUSR would appear before the EP after appointment and before taking up his or her functions. Regarding the mandate he said that the MS had also raised many issues similar to those raised by the MEPs.

The Rapporteur concluded that there were clear differences in the interpretation of applicable procedure and reiterated that proper EP involvement was necessary.

10. Next meeting(s)

- 8 May 2012, 9.00 – 12.30 (Brussels)
 - 21 May 2012, 20.00 – 21.00 (Strasbourg)
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