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NOTE

from: General Secretariat of the Council
to: Delegations

Subject: European Parliament plenary session in Brussels on 12 June 2012:
Debate on EU Special Representative for Human Rights, and annual human rights report

The rapporteur Mr Salafranca (EPP, ES) recalled that the European project was based on common values of peace, reconciliation and respect for human rights. He recalled the EP's long-standing commitment to the protection of universal human rights, specifically referring to the post of VP responsible for human rights, the work of the Sub-committee for Human Rights and the Sakharov prize. Regarding the appointment of the EUSR he highlighted the issues of the mandate, which should include cooperation with the ICC, the promotion of international humanitarian law, the promotion of abolition of the death penalty, and the fight against torture and impunity, amongst other issues. He stressed that the EUSR would have to cooperate closely with the EP. As to the qualifications required for the position, he stressed that the person would have to be highly qualified and experienced with international credentials in the area of human rights protection.

HR Ashton delivered the speech set out in the Annex.

In the subsequent discussion the following issues were raised:

- speaking on behalf of the EPP group, Mr Preda recalled the Treaty obligation of contributing to the promotion of human rights in relations with third countries, and stressed the importance of the universality of human rights. He welcomed the decision to appoint an EUSR for Human Rights as he/she should be able to enhance the coherence of EU action in the area of human rights, which was at present often not harmonised;
- speaking on behalf of the S&D group, Mr Howitt also welcomed the decision to appoint an EUSR for Human Rights as this showed concrete commitment to the promotion of human rights. He was confident that adequate arrangements for cooperation would be agreed with the EP. He hoped that the EUSR would be "a big player" for Europe with third country governments, the UN Human Rights Council and the ICC, akin to the role of the Under Secretary for Human Rights in the US Department of State. He said he did not think that the EP should intervene in the selection of candidates, but nevertheless called for this not to be just another political appointment and called for the appointee to have *"a serious and unparalleled record of working in human rights and human rights law, with high level legal qualifications in human rights"*;
- speaking on behalf of the ALDE group, Mr Donskins recalled that the appointment of an EUSR for Human Rights had been a long-term strategic objective championed by the EP and hoped that it would consolidate the credibility of EU in this field. He called for Tibet to be addressed as a priority issue and hoped that in the future an EUSR for Tibet could be nominated. He said that, in the context of the ongoing review of the EU's human rights strategy, the EP would like to work towards a joint declaration on a European consensus on human rights, setting out a common vision for promotion of human rights in the world;
- speaking on behalf of the Greens/EFA, Mr Tavares said his group very much supported the creation of the EUSR post and called for a suitable person, with necessary qualifications, to be appointed to the post. He said that the EUSR should have a strict obligation to respond to the EP, participating for example in urgency debates on human rights, and cooperating with the contact group on human rights on an official footing;

- speaking on behalf of the ECR, Mr Bielan supported the establishment of the EUSR for Human Rights, which should enhance the consistency of EU action on human rights issues, and wished particular attention to be paid to promoting traditional family values as well as to the freedom of religion;
- speaking on behalf of the EFD, Mr Dartmouth spoke about the European Arrest Warrant and cases of surrender of over 700 UK citizens to alien legal systems in continental Europe and proposed that the EU should sort out its own human rights record before acting internationally;
- speaking on behalf of the GUE/NGL, Mr Hadjigeorgiou agreed with previous speakers that the EUSR should improve the efficiency of EU human rights policy and called for the EUSR to have the necessary freedom of action and a flexible mandate, and to be accountable to the EP. He concluded that human rights issues within the EU also needed to be addressed;
- speaking on behalf of the NI, Ms Sinclair was hostile to the idea of nominating a new EUSR as promotion of human rights was a national competence. She regretted the financial implications of such an appointment at a time of crisis.

In their individual interventions MEPs raised the following issues: the EUSR should not only inform the EP about his or her activities, but should also be available for exchanges of views (Ms Lochbihler, Greens/EFA); criticism that double standards on human rights were used in the EU internally compared to its external action (Mr Brons, NI); disagreement with Mr Howitt on his proposal that the EUSR should have a legal background, insisting that what was important was to have an impartial person with good judgment and certain human qualities, such as a good heart and pursuit of the truth (Mr Mitchell, EPP); the necessary emphasis on social and economic rights (Ms Vergiat, GUE); and a request that the EUSR's mandate should be limited in order to achieve greater efficiency (Mr Obermayer, NI).

In her closing remarks HR Ashton recalled that the mandate she held was an external one; she agreed with the MEPs that the EUSR had to be carefully chosen and promised to find a suitable

person for the post. She said that the EUSR would cooperate with the EP in accordance with the Treaty and the political declaration on accountability.

The Rapporteur Mr Salafranca praised HR Ashton's firm commitment that the EUSR would have regular contacts with the EP.

In the second debate, dedicated to the annual human rights report, HR Ashton briefly outlined the salient points from the Annual Report on Human Rights and Democracy in the World in 2011. She stressed that the annual report was a catalogue of EU actions across thematic bilateral and multilateral issues, and provided some recent figures on human rights actions for 2012 (declarations and statements on behalf of human rights defenders); she also mentioned the situations in several countries. She explained that for the first time the report contained a section on freedom of religion or belief and a section on international humanitarian law. She also announced that good progress had been made in preparing the draft statute for the European Endowment for Democracy, also on the basis of the Lambsdorff report.

In the subsequent discussion the following issues were raised:

- speaking on behalf of the EPP group, Mr Tokes said that a clear priority was to cooperate with the EEAS on the comprehensive human policy review in order to have the tools to promote human rights, he in particular stressed the need to support human rights defenders;
- speaking on behalf of the S&D group, Mr Howitt commented on various actions the EU undertook last year and thanked the HR for her efforts to re-establish the timetable of annual report debates to June Plenary Sessions and stressed that next year the EP will be able to debate in a new format on the implementation of the strategic review on human rights;
- speaking on behalf of the ALDE group, Mr Donskins stressed that the EU had the unique opportunity to express its vision of human rights, characterised by universality, and that this action should not be hostage to economic crisis;
- speaking on behalf of the Greens/EFA, Mr Tavares said that the EUSR for Human Rights should represent the whole EU not just the HR and should have the obligation to appear

before the EP included in its mandate. Regarding the annual report he regretted that many weaknesses appeared during the 2011 in EU actions;

- speaking on behalf of the ECR, Mr Szymansky recognized that the 2011 report had a new chapter on freedom of religion or belief but felt that the EU was backsliding on its February 2011 Council Conclusions on intolerance, discrimination and violence on the basis of religion or belief;
- speaking on behalf of the GUE/NGL, Ms Vergiat regretted that the report was only available in English and that it remained a catalogue of actions and that examples chosen were not always reflecting the reality, notably more should have been said about human rights violations in Latin America and Turkey. She was particularly critical of the insufficient financial support given to Tunisia and concluded that economic and social rights were just as important as civil and political rights;
- speaking on behalf of the NI, Mr Claeys the EU needed more credibility in international relations and should examine the human rights situation in countries like Turkey, Vietnam and China.

At the end of the debate HR Ashton thanked the MEPs for their valuable comments and reiterated that the EUSR would report to the institutions in accordance with the Treaties, and in full respect of Article 33 and the political accountability statement.

**Speech of High Representative Catherine Ashton
on EU Special Representative for Human Rights**

Madam President, first of all can I say that I agree with Mr Salafranca that this is in our DNA, and I am really pleased to have the opportunity to speak again in this House on the subject of human rights.

As honourable Members know, this is one of my top priorities, and I really value the opportunities to continue our discussions. May I also formally thank Mr Salafranca for the work he has done on his report.

The Recommendation that is before this House today is a welcome contribution to the preparations for the appointment of a Special Representative on Human Rights. I give absolute credit to Parliament for championing this idea since its report in 2010. We have now reached the point where it commands a broad consensus across the political spectrum. I congratulate Mr Salafranca for delivering such an overwhelming vote in the Committee on Foreign Affairs (AFET).

The broad consensus is the result of broad consultation. Over the past few months my services have been canvassing opinions from this House, from Member States, Commission services and from NGOs, and that has helped to ensure that the thinking of this House is reflected in the draft mandate which I presented to the Council.

Honourable Members, the mandate will be broad and flexible. I want the new Special Representative to work with me to set priorities, to be able to develop the themes that Mr Salafranca has so ably put before us: abolition of the death penalty, combating the use of torture, women's rights, children's rights, and to ensure that they are able to do that in the context of working collaboratively with the institutions of the European Union and, of course, to work closely with the European External Action Service.

The mandate will be longer than usual: two years instead of one. It is the first time ever that the European Union will have appointed a thematic EU Special Representative so I believe it is important that the mandate should be long enough to start delivering on issues that are inherently long term issues.

I believe that the Special Representative will have significant experience and expertise. I am looking for somebody with an established track record, real experience in human rights and a strong understanding of European Union policy. Member States have put forward some excellent candidates, and I look forward to making a swift appointment.

I do want to be clear that the Special Representative will be an important interlocutor for this Parliament. You have my full commitment that he or she will be able to brief Parliament regularly, fitting in line with existing arrangements.

The Special Representative will also add considerable value to our existing work, and that may take the form of leading our human rights dialogues and consultations, where it is obvious that the Special Representative should be a natural interlocutor for our partners.

Communications and public diplomacy will be key. They need to help us to be more visible and to promote human rights across the whole range of the European Union's external policies. But just to be absolutely clear, I will remain personally as involved as ever, but with now, in the future, additional, high level, expert support to work with me and with the team based in Brussels – some of whom are with us today, and to whom I pay tribute for the extraordinary work done over these last few years.

The Special Representative is part of the bigger package because, as you know, the Council is due to adopt a strategic framework and an action plan on human rights and democracy too. Preparation for this has taken account of input from Members of this House in line with my undertaking to engage this House throughout the process.

The latest of these exchanges took place today, just before this debate began, when my Deputy Secretary General, Maciej Popowski, met with the contact group in Parliament, under the chairmanship of Mrs Lochbihler. I hope that these contacts will continue and become a regular feature of our inter institutional discussions on a more effective and comprehensive approach to human rights and democracy. I have always intended this process to be inclusive and to give the opportunity for all stakeholders in EU policy to contribute to defining our future priorities.

Madam President, I end as I began, with a thank you to Mr Salafranca for his report.