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## CONTENTS

### TEXTS ADOPTED

#### **P7\_TA-PROV(2012)0121**

##### **Coordination of social security systems \*\*\*I**

*(A7-0043/2012 - Rapporteur: Milan Cabrnoch)*

European Parliament legislative resolution of 18 April 2012 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems and Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 (COM(2010)0794 – C7-0005/2011 – 2010/0380(COD)) ..... 1

#### **P7\_TA-PROV(2012)0122**

##### **Accession of the European Union to the Treaty of Amity and Cooperation in Southeast Asia \*\*\***

*(A7-0139/2012 - Rapporteur: Elmar Brok)*

European Parliament legislative resolution of 18 April 2012 on the draft Council decision on the accession of the European Union to the Treaty of Amity and Cooperation in Southeast Asia (07434/2012 – C7-0085/2012 – 2012/0028(NLE))..... 24

#### **P7\_TA-PROV(2012)0123**

##### **Draft Protocol on the concerns of the Irish people on the Treaty of Lisbon (consent) \*\*\***

*(A7-0065/2012 - Rapporteur: Paulo Rangel)*

European Parliament decision of 18 April 2012 on the European Council's proposal not to convene a Convention for the addition of a Protocol on the concerns of the Irish people on the Treaty of Lisbon, to the Treaty on European Union and to the Treaty on the Functioning of the European Union (00092/2011 – C7-0388/2011 – 2011/0816(NLE))..... 25

#### **P7\_TA-PROV(2012)0124**

##### **Draft Protocol on the concerns of the Irish people on the Treaty of Lisbon (consultation) \***

*(A7-0064/2012 - Rapporteur: Paulo Rangel)*

European Parliament resolution of 18 April 2012 on the draft protocol on the concerns of the Irish people on the Treaty of Lisbon (Article 48(3) of the Treaty on European Union) (00092/2011 – C7-0387/2011 – 2011/0815(NLE)) ..... 27

#### **P7\_TA-PROV(2012)0125**

##### **The role of cohesion policy in the outermost regions of the European Union in the context of EU 2020**

*(A7-0084/2012 - Rapporteur: Nuno Teixeira)*

European Parliament resolution of 18 April 2012 on the role of Cohesion Policy in the outermost regions of the European Union in the context of EU 2020 (2011/2195(INI)) ..... 29

**P7\_TA-PROV(2012)0126**

**Human rights in the world and the European Union's policy on the matter including implications for the EU's strategic human rights policy**

*(A7-0086/2012 - Rapporteur: Richard Howitt)*

European Parliament 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 (2011/2185(INI)) ..... 38

**P7\_TA-PROV(2012)0127**

**Negotiations of the EU-Azerbaijan Association Agreement**

*(A7-0071/2012 - Rapporteur: Anneli Jäätteenmäki)*

European Parliament resolution of 18 April 2012 containing the European Parliament's recommendations to the Council, the Commission and the European External Action Service on the negotiations of the EU-Azerbaijan Association Agreement (2011/2316(INI))..... **Error! Bookmark not defined.**

**P7\_TA-PROV(2012)0128**

**Negotiations of the EU-Armenia Association Agreement**

*(A7-0079/2012 - Rapporteur: Tomasz Piotr Poręba)*

European Parliament resolution of 18 April 2012 containing the European Parliament's recommendations to the Council, the Commission and the European External Action Service on the negotiations of the EU-Armenia Association Agreement (2011/2315(INI))..... 80

**P7\_TA-PROV(2012)0129**

**Fish as a common good**

*(P7\_DCL(2011)0047)*

Declaration of the European Parliament of 18 April 2012 on fish as a common good ..... 88

**P7\_TA-PROV(2012)0130**

**Children with Down syndrome**

*(P7\_DCL(2011)0052)*

Declaration of the European Parliament of 18 April 2012 on children with Down syndrome ..... 89

## **P7\_TA-PROV(2012)0121**

### **Coordination of social security systems \*\*\*I**

**European Parliament legislative resolution of 18 April 2012 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems and Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 (COM(2010)0794 – C7-0005/2011 – 2010/0380(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2010)0794),
  - having regard to Article 294(2) and Article 48 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0005/2011),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the undertaking given by the Council representative by letter of 7 March 2012 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Employment and Social Affairs (A7-0043/2012),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

**P7\_TC1-COD(2010)0380**

**Position of the European Parliament adopted at first reading on 18 April 2012 with a view to the adoption of Regulation (EU) No .../2012 of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems and Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004**

**(Text with EEA relevance and Switzerland)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 48 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

**I**

Acting in accordance with the ordinary legislative procedure<sup>1</sup>,

Whereas:

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<sup>1</sup> Position of the European Parliament of 18 April 2012.

- (1) To take account of legal changes in certain Member States and to guarantee legal certainty for stakeholders, Regulation (EC) No 883/2004 of the European Parliament and of the Council<sup>1</sup> and Regulation (EC) No 987/2009 of the European Parliament and of the Council<sup>2</sup> need to be adapted.
- (2) Relevant proposals were received from the Administrative Commission for the Coordination of Social Security Systems concerning the coordination of social security schemes with a view to improving and modernising Union law and have been included in this Regulation.
- (3) Changes in social reality can affect the coordination of social security systems. In order to respond to such changes, amendments in the field of the determination of applicable legislation and unemployment benefits are necessary.
- (4) *The concept of "home base", for flight crew and cabin crew members, under Union law is defined in Annex III to Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation<sup>1</sup>. In order to facilitate the application of Title II of Regulation (EC) No 883/2004 to this group of persons, it is justified to create a special rule whereby the concept of "home base" becomes the criterion for determining the applicable legislation for flight crew and cabin crew members. However, the applicable legislation for flight crew and cabin crew members should remain stable and the "home base" principle should not result in frequent changes of applicable legislation due to the industry's work patterns or seasonal demands.*

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<sup>1</sup> OJ L 166, 30.4.2004, p. 1.

<sup>2</sup> OJ L 284, 30.10.2009, p. 1.

<sup>1</sup> *OJ L 373, 31.12.1991, p. 4.*

- (5) In situations where a person is working in two or more Member States, it should be made clear that the condition of pursuing a "substantial part" of the activity within the meaning of Article 13(1) of Regulation (EC) No 883/2004 also applies to persons pursuing activities for various undertakings or employers.
- (6) Regulation (EC) No 883/2004 should be amended by inserting a new provision *that ensures that a self-employed frontier worker who becomes wholly unemployed receives benefits if he/she has completed periods of insurance as a self-employed person or periods of self-employment recognised for the purposes of granting unemployment benefits in the competent Member State and if no unemployment benefits system covering self-employed persons exists in the Member State of residence* . *That provision should be reviewed in the light of the experience after two years of implementation and, if necessary, it should be amended.*
- (7) Regulations (EC) No 883/2004 and (EC) No 987/2009 should therefore be amended accordingly.

HAVE ADOPTED THIS REGULATION:



Article 1

Regulation (EC) No 883/2004 is hereby amended as follows:

- (1) *The term "the Commission of the European Communities" is replaced by the term "the European Commission" throughout the text.*
- (2) *The following Recital is inserted:*

*"18b. In Annex III to Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation<sup>\*</sup>, the concept of "home base" for flight crew and cabin crew members is defined as the location nominated by the operator to the crew member from where the crew member normally starts and ends a duty period, or a series of duty periods, and where, under normal conditions, the operator is not responsible for the accommodation of the crew member concerned. In order to facilitate the application of Title II of this Regulation for flight crew and cabin crew members, it is justified to use the concept of "home base" as the criterion for determining the applicable legislation for flight crew and cabin crew members. However, the applicable legislation for flight crew and cabin crew members should remain stable and the home base principle should not result in frequent changes of applicable legislation due to the industry's work patterns or seasonal demands.*

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<sup>\*</sup> *OJ L 373, 31.12.1991, p. 4."*

(3) Article 9 is replaced by the following:

***"Article 9***

Declarations by the Member States on the scope of this Regulation

1. The Member States shall notify the European Commission in writing of the declarations made in accordance with ***point*** (1) of Article 1, the legislation and schemes referred to in Article 3, the conventions entered into as referred to in Article 8(2), the minimum benefits referred to in Article 58, ***and the lack of an insurance system as referred to in Article 65a(1)***, as well as substantive amendments. ***Such notifications shall indicate the date from which this Regulation will apply to the schemes specified by the Member States therein.***
2. These notifications shall be submitted to the European Commission every year and shall be given the necessary publicity."

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(4) *The following paragraph is added to Article 11:*

*"5. An activity as a flight crew or cabin crew member performing air passenger or freight services shall be deemed to be an activity pursued in the Member State where the home base, as defined in Annex III to Regulation (EEC) No 3922/91, is located."*

(5) In Article 12, paragraph 1 is replaced by the following:

"1. A person who pursues an activity as an employed person in a Member State on behalf of an employer which normally carries out its activities there and who is posted by that employer to another Member State to perform work on that employer's behalf shall continue to be subject to the legislation of the first Member State, provided that the anticipated duration of such work does not exceed 24 months and that he/she is not sent to replace another posted person."

(6) In Article 13, paragraph 1 is replaced by the following:

"1. A person who normally pursues an activity as an employed person in two or more Member States shall be subject:

- (a) to the legislation of the Member State of residence if he/she pursues a substantial part of his/her activity in that Member State, or
- (b) if he/she does not pursue a substantial part of his/her activity in the Member State of residence:
  - (i) to the legislation of the Member State in which the registered office or place of business of the undertaking or employer is situated if he/she is employed by one undertaking or employer, or
  - (ii) to the legislation of the Member State in which the registered office or place of business of the undertakings or employers is situated ***if he/she is employed by two or more undertakings or employers which have their registered office or place of business in only one Member State;***  
***or***

(iii) to the legislation of the Member State in which the registered office or place of business of the undertaking or employer is situated other than the Member State of residence *if he/she is employed by two or more undertakings or employers, which have their registered office or place of business in two Member States, one of which is the Member State of residence*; or

(iv) to the legislation of the Member State of residence if he/she is employed by two or more undertakings or employers, *at least two of which* have their registered office or place of business in different Member States *other than* the Member State of residence."

(7) In Article 36, paragraph 2a is replaced by the following:

"2a. The competent institution may not refuse to grant the authorisation provided for in Article 20(1) to *a* person who has sustained an accident at work or who has contracted an occupational disease and who is entitled to benefits chargeable to that institution, where the treatment appropriate to his/her condition cannot be given in the Member State in which he/she resides within a time-limit which is medically justifiable, taking into account his/her current state of health and the probable course of the illness."

(8) *Article 63 is replaced by the following:*

"Article 63

Special provisions for the waiving of residence rules

*For the purpose of this Chapter, Article 7 shall apply only in the cases provided for by Articles 64, 65 and 65a and within the limits prescribed therein."*

■

(9) *The following article is inserted:*

*"Article 65a*

*Special provisions for wholly unemployed self-employed frontier workers where no unemployment benefits system covering self-employed persons exists in the Member State of residence*

- 1. By way of derogation from Article 65, a wholly unemployed person who, as a frontier worker, has most recently completed periods of insurance as a self-employed person or periods of self-employment recognised for the purposes of granting unemployment benefits in a Member State other than his/her Member State of residence and whose Member State of residence has submitted notification that there is no possibility for any category of self-employed persons to be covered by an unemployment benefits system of that Member State, shall register with and make himself/herself available to the employment services in the Member State in which he/she pursued his/her last activity as a self-employed person and, when he/she applies for benefits, shall continuously adhere to the conditions laid down under the legislation of the latter Member State. The wholly unemployed person may, as a supplementary step, make himself/herself available to the employment services of the Member State of residence.*
- 2. Benefits shall be provided to the wholly unemployed person referred to in paragraph 1 by the Member State to whose legislation he/she was last subject in accordance with the legislation which that Member State applies.*

3. *If the wholly unemployed person referred to in paragraph 1 does not wish to become or remain available to the employment services of the Member State of last activity after having been registered there, and wishes to seek work in the Member State of residence, Article 64 shall apply mutatis mutandis, except Article 64(1)(a). The competent institution may extend the period referred to in the first sentence of Article 64(1)(c) up to the end of the period of entitlement to benefits."*

(10) In Article 71, paragraph 2 is replaced by the following:

- "2. **■** The Administrative Commission shall act by a qualified majority as defined by the Treaties, *except when adopting its rules which shall be drawn up by mutual agreement among its members.*

Decisions on questions of interpretation referred to in Article 72(a) shall be given the necessary publicity."



(11) *The following Article is inserted:*

*"Article 87a*

*Transitional provision for application of Regulation (EU) No .../2012*

1. *If as a result of the entry into force of Regulation (EU) No .../2012, a person is subject, in accordance with Title II of this Regulation, to the legislation of a different Member State than that to which he/she was subject before that entry into force, the legislation of the Member State applicable before that date shall continue to apply to him/her for a transitional period lasting for as long as the relevant situation remains unchanged and, in any case, for no longer than ten years from the date of entry into force of Regulation (EU) No .../2012. Such a person may request that the transitional period no longer applies to him/her. Such request shall be submitted to the institution designated by the competent authority of the Member State of residence. Requests submitted by ...\* shall be deemed to take effect on ...\*\*. Requests submitted after ...\* shall take effect on the first day of the month following that of their submission.*
  
2. *No later than ...\*\*\*, the Administrative Commission shall evaluate the implementation of the provisions laid down in Article 65a of this Regulation and present a report on their application. On the basis of this report, the European Commission may, as appropriate, submit proposals to amend those provisions.*

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\* *OJ : please insert the date - three months after the date of entry into force of Regulation (EU) No .../2012.*

\*\* *OJ : please insert the date of entry into force of Regulation (EU) No .../2012.*

\*\*\* *OJ: please insert the date - two calendar years after the date of entry into force of Regulation (EU) No .../2012."*

(12) Annexes X and XI are amended in accordance with the Annex to this Regulation.

*Article 2*

Regulation (EC) No 987/2009 is hereby amended as follows:

(1) *In Article 6(1), points (b) and (c)* are replaced by the following:

- "(b) the legislation of the Member State of residence if the person concerned pursues employment or self-employment in two or more Member States and performs part of his/her activity or activities in the Member State of residence, or if the person concerned is neither employed nor self-employed;
- (c) in *all* other cases, the legislation of the Member State, the application of which was first requested if the person pursues an activity, or activities, in two or more Member States."

(2) Article 14 is amended as follows:

(a) paragraph 5 is replaced by the following:

"5. For the purposes of the application of Article 13(1) of the basic Regulation, a person who 'normally pursues an activity as an employed person in two or more Member States' shall refer to a person who simultaneously, or in alternation, for the same undertaking or employer or for various undertakings or employers, exercises one or more separate activities in two or more Member States **■** .";

(b) *the following paragraphs are* inserted:

"5a. For the purposes of the application of Title II of the basic Regulation, 'registered office or place of business' shall refer to the registered office or place of business where the essential decisions of the undertaking are adopted and where the functions of its central administration are carried out.

*For the purposes of Article 13(1) of the basic Regulation, an employed flight crew or cabin crew member normally pursuing air passenger or freight services in two or more Member States shall be subject to the legislation of the Member State where the home base, as defined in Annex III to Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation\*, is located.*

**5b. Marginal activities shall be disregarded for the purposes of determining the applicable legislation under Article 13 of the basic Regulation. Article 16 of the implementing Regulation shall apply to all cases under this Article.**

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\* *OJ L 373, 31.12.1991, p. 4."*

**I**  
(3) **In** Article 15(1), the second sentence is replaced by the following:

"That institution shall issue the attestation referred to in Article 19(2) of the implementing Regulation to the person concerned and shall without delay make information concerning the legislation applicable to that person, pursuant to Article 11(3)(b) or Article 12 of the basic Regulation, available to the institution designated by the competent authority of the Member State in which the activity is pursued."

(4) In Article 54, paragraph 2 is replaced by the following:

"2. For the purposes of applying Article 62(3) of the basic Regulation, the competent institution of the Member State to whose legislation the person concerned was subject in respect of his/her last activity as an employed or self-employed person shall, without delay, at the request of the institution of the place of residence, provide it with all the information necessary to calculate unemployment benefits which can be obtained in the Member State where it is situated, in particular the salary or professional income received."

(5) *Article 55 is amended as follows:*

(a) *in paragraph 1, the first subparagraph is replaced by the following:*

*"In order to be covered by Article 64 or Article 65a of the basic Regulation, the unemployed person going to another Member State shall inform the competent institution prior to his/her departure and request a document certifying that he/she retains his/her entitlement to benefits under the conditions laid down in Article 64(1)(b) of the basic Regulation."*

(b) the following paragraph is added:

"7. Paragraphs 2 to 6 shall apply mutatis mutandis to the *situation covered by Article 65a(3) of* ■ *the basic Regulation* ■ *".*

(6) *In Article 56, paragraphs 1 and 2 are replaced by the following:*

*"1. Where the unemployed person decides, in accordance with Article 65(2) or Article 65a(1) of the basic Regulation, to make himself/herself also available to the employment services in the Member State not providing the benefits, by registering there as a person seeking work, he/she shall inform the institution and the employment services of the Member State providing the benefits."*

*At the request of the employment services of the Member State not providing the benefits, the employment services in the Member State that is providing the benefits shall send the relevant information concerning the unemployed person's registration and his/her search for employment.*

2. Where the legislation applicable in the Member States concerned requires the fulfilment of certain obligations and/or job-seeking activities by the unemployed person, the obligations and/or job-seeking activities by the unemployed person in the Member State providing the benefits shall have priority.

The non-fulfilment by the unemployed person of all the obligations and/or job-seeking activities in the Member State which does not provide the benefits shall not affect the benefits awarded in the other Member State."

*Article 3*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ...,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

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## ANNEX

Regulation (EC) No 883/2004 is amended as follows:

(1) Annex X is amended as follows:

(a) In the section "NETHERLANDS", point (a) is replaced by the following:

"(a) Work and Employment Support for Disabled Young Persons Act of 24 April 1997 (Wet Wajong)";

(b) In the section "UNITED KINGDOM";

(i) Point (c) is deleted;

(ii) The following point is added:

"(e) Employment and Support Allowance Income-related (Welfare Reform Act 2007 and Welfare Reform Act (Northern Ireland) 2007).".



(2) Annex XI is amended as follows:

*(a) In the section “GERMANY”, point 2 is replaced by the following:*

*“2. Notwithstanding Article 5(a) of this Regulation and Article 7 of the Sozialgesetzbuch VI (Volume VI of the Social Code), a person who is compulsorily insured in another Member State or receives an old-age pension under the legislation of another Member State may join the voluntary insurance scheme in Germany.”*

*(b) In the section “FRANCE”, point 1 is deleted.*

*(c) The section "NETHERLANDS" is amended as follows:*

*(i) In point 1. "Health care insurance", point (g) is deleted;*

(ii) The following point is added:

"(h) For the purposes of Article 18(1) of this Regulation, the persons referred to in point 1(a)(ii) of this Annex who stay temporarily in the Netherlands shall be entitled to benefits in kind in accordance with the policy offered to insured persons in the Netherlands by the institution of the place of stay, taking into account Article 11(1), (2) and (3) and Article 19(1) of the Zorgverzekeringswet (Health Care Insurance Act), as well as to benefits in kind provided for by the Algemene Wet Bijzondere Ziektekosten (General Act on Exceptional Medical Expenses).";

(iii) Point 2 is amended as follows:

- (a) In the introductory wording and point (a), "(Dutch legislation on general old-age insurance)" is replaced by "(General Old Age Pensions Act)";
- (b) In the first subparagraph of point (b), the words "that legislation" are replaced by the words "the above legislation";
- (c) In the second subparagraph of point (g), "(Dutch legislation on general law for surviving dependants)" is replaced by "(General Surviving Relatives Act)";

- (iv) Point 3 is amended as follows:
  - (a) In the introductory wording, "(Dutch general law on insurance for surviving dependants)" is replaced by "(General Surviving Relatives Act)";
  - (b) In the first subparagraph of point (d), the words "that legislation" are replaced by the words "the above legislation";
- (v) Point 4 is amended as follows:
  - (a) In point (a)(i) first indent, "(Act on Incapacity for Work)" is replaced by "(Disability Insurance Act)";
  - (b) In point (a) (ii), "(Self-employed Persons Act on Incapacity for Work)" is replaced by "(Self-employed Persons Disablement Benefits Act)."

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## **P7\_TA-PROV(2012)0122**

### **Accession of the European Union to the Treaty of Amity and Cooperation in Southeast Asia \*\*\***

**European Parliament legislative resolution of 18 April 2012 on the draft Council decision on the accession of the European Union to the Treaty of Amity and Cooperation in Southeast Asia (07434/2012 – C7-0085/2012 – 2012/0028(NLE))**

**(Consent)**

*The European Parliament,*

- having regard to the draft Council decision (07434/2012),
  - having regard to the Treaty of Amity and Cooperation in Southeast Asia and the draft Third Protocol thereto,
  - having regard to the request for consent submitted by the Council in accordance with Articles 209 and 212 and Article 218(6), second subparagraph, point (a), and Article 218(8), second subparagraph, of the Treaty on the Functioning of the European Union (C7-0085/2012),
  - having regard to Rules 81 and 90(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Foreign Affairs (A7-0139/2012),
1. Consents to the accession of the Union to the Treaty;
  2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the States signatories of the Treaty of Amity and Cooperation in Southeast Asia.

**Draft Protocol on the concerns of the Irish people on the Treaty of Lisbon  
(consent) \*\*\***

**European Parliament decision of 18 April 2012 on the European Council's proposal not to convene a Convention for the addition of a Protocol on the concerns of the Irish people on the Treaty of Lisbon, to the Treaty on European Union and to the Treaty on the Functioning of the European Union (00092/2011 – C7-0388/2011 – 2011/0816(NLE))**

**(Consent)**

*The European Parliament,*

- having regard to the decision of 19 June 2009 of the Heads of State or Government of the 27 Member States, meeting within the European Council, on the concerns of the Irish people on the Treaty of Lisbon (Annex 1 to the Presidency Conclusions),
  - having regard to the letter from the Irish Government to the Council of 20 July 2011, sent in accordance with Article 48(2) of the Treaty on European Union, on a proposal for the addition of a draft protocol on the concerns of the Irish people on the Treaty of Lisbon ('the draft protocol') to the Treaty on European Union and the Treaty on the Functioning of the European Union,
  - having regard to the submission of that proposal on 11 October 2011 by the Council to the European Council, in accordance with Article 48(2) of the Treaty on European Union,
  - having regard to the letter from the President of the European Council to the President of the European Parliament of 25 October 2011, concerning the draft protocol,
  - having regard to the request for consent not to convene a Convention submitted by the European Council in accordance with the second subparagraph of Article 48(3) of the Treaty on European Union (C7-0388/2011),
  - having regard to Rules 74a and 81(1) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Constitutional Affairs (A7-0065/2012),
- A. whereas at the European Council on 19 June 2009 the Heads of State or Government agreed to take a decision in order to provide reassurance and to respond to the concerns of the Irish people on the Treaty of Lisbon in relation to the right to life, family and education, taxation, and security and defence;
- B. whereas the Heads of State or Government also declared that the decision was legally binding and would take effect on the date of entry into force of the Treaty of Lisbon;
- C. whereas they also declared that, at the time of the conclusion of the next accession treaty and in accordance with their respective constitutional requirements, they would set out the provisions of the decision in a protocol to be attached to the Treaty on European Union and the Treaty on the Functioning of the European Union;

- D. whereas, as a matter of fact, the Heads of State or Government at the European Council on 19 June 2009 had already agreed on the substance of the provisions proposed in the draft protocol, so that the issue has already been politically settled and does not seem to justify convening a Convention;
1. Consents to the European Council's proposal not to convene a Convention;
  2. Instructs its President to forward this decision to the European Council, the Council and the Commission.

**Draft Protocol on the concerns of the Irish people on the Treaty of Lisbon  
(consultation) \***

**European Parliament resolution of 18 April 2012 on the draft protocol on the concerns of the Irish people on the Treaty of Lisbon (Article 48(3) of the Treaty on European Union) (00092/2011 – C7-0387/2011 – 2011/0815(NLE))**

*The European Parliament,*

- having regard to the decision of 19 June 2009 of the Heads of State or Government of the 27 Member States, meeting within the European Council, on the concerns of the Irish people on the Treaty of Lisbon (Annex 1 to the Presidency Conclusions),
  - having regard to the letter from the Irish Government to the Council of 20 July 2011, sent in accordance with Article 48(2) of the Treaty on European Union, on a proposal for the addition of a draft protocol on the concerns of the Irish people on the Treaty of Lisbon ('the draft protocol') to the Treaty on European Union and the Treaty on the Functioning of the European Union,
  - having regard to the submission of that proposal on 11 October 2011 by the Council to the European Council, in accordance with Article 48(2) of the Treaty on European Union,
  - having regard to the first subparagraph of Article 48(3) of the Treaty on European Union, pursuant to which the European Council consulted Parliament (C7-0387/2011),
  - having regard to Rule 74a of its Rules of Procedure,
  - having regard to the report of the Committee on Constitutional Affairs (A7-0064/2012),
- A. whereas in 2008 the Irish Government decided to hold a referendum on ratification of the Treaty of Lisbon;
- B. whereas, because of the negative result of the referendum of 12 June 2008, Ireland was not in a position to ratify the Treaty of Lisbon;
- C. whereas the European Council, at its meeting on 11 to 12 December 2008, upon request of the Irish Government agreed that a decision would be taken to the effect that the Commission will continue to include one national of each Member State after 2014;
- D. whereas, because of the requirement of unanimity for the entry into force of the Treaty of Lisbon, the Irish Government was expected to find a solution to the situation that was brought about by the decision to hold a referendum and its subsequent rejection;
- E. whereas at the European Council on 19 June 2009 the Heads of State or Government agreed to take a decision in order to provide 'necessary legal guarantees' responding to the concerns of the Irish people in relation to the right to life, family and education, taxation, security and defence, and agreed that they would, at the time of the conclusion of the next accession treaty and in accordance with their respective constitutional requirements, set out the provisions of the decision in a protocol to be attached to the Treaty on European Union and

the Treaty on the Functioning of the European Union as clarifications of the provisions of the Treaty of Lisbon with respect to the Irish concerns;

- F. whereas Article 1 of the draft protocol, when stipulating that nothing in the Treaty of Lisbon affects the scope and applicability of the protection of the right of life, the protection of the family and the protection of the rights in respect of education provided by the Constitution of Ireland, refers to matters which do not constitute areas of Union competence under Articles 4 and 5 of the Treaty on European Union and Articles 2 to 6 of the Treaty on the Functioning of the European Union, or for which the Union has only a complementary role (Article 6 of the Treaty on the Functioning of the European Union);
- G. whereas Article 2 of the draft protocol, in relation to taxation, states that 'nothing in the Treaty of Lisbon makes any change of any kind, for any Member State, to the extent or operation of the competence of the European Union' and does not prevent further progress towards enhanced economic coordination in the Union;
- H. whereas Article 3 of the draft protocol seeks to explain the provisions of the Treaty of Lisbon on security and defence (Articles 42 to 46 of the Treaty on European Union), making it clear that the Union's common security and defence policy does not prejudice the security and the defence policy of the Irish State or its obligations, and that it includes an obligation to aid and assist and to act jointly in a spirit of solidarity if a Member State is the victim of armed aggression on its territory, within the meaning of Article 42(7) of the Treaty on European Union and Article 222 of the Treaty on the Functioning of the European Union respectively;
- I. whereas it is necessary to respect the previous political understandings between governments, and whereas the content of the draft protocol refers only to the situation of Ireland;
  - 1. Agrees with a European Council decision in favour of examining the proposed amendments to the Treaties;
  - 2. Instructs its President to forward this resolution to the European Council, the Council, the Commission and the national parliaments.



## **P7\_TA-PROV(2012)0125**

### **The role of cohesion policy in the outermost regions of the European Union in the context of EU 2020**

#### **European Parliament resolution of 18 April 2012 on the role of Cohesion Policy in the outermost regions of the European Union in the context of EU 2020 (2011/2195(INI))**

*The European Parliament,*

- having regard to the combined provisions of Articles 355 and 349 of the Treaty on the Functioning of the European Union (TFEU), which confers a special status on the outermost regions, and Article 107(3)(a) of the TFEU on rules governing State aid to these regions,
- having regard to Articles 174 et seqq. of the TFEU, which establish the objective of economic, social and territorial cohesion and define the structural financial instruments to achieve this,
- having regard to the Commission communication of 26 May 2004 entitled ‘A stronger partnership for the outermost regions’ (COM(2004)0343),
- having regard to its resolution of 28 September 2005 on a stronger partnership for the outermost regions<sup>1</sup>,
- having regard to the Commission communication of 12 September 2007 entitled ‘Strategy for the Outermost Regions: Achievements and Future Prospects’ (COM(2007)0507, and the accompanying Commission staff working document of 12 September 2007 entitled ‘Development and Progress of the strategy for the Outermost Regions’ (SEC(2007)1112),
- having regard to its resolution of 20 May 2008 on the strategy for the outermost regions: achievements and future prospects<sup>2</sup>,
- having regard to the Commission communication of 17 October 2008 entitled ‘The Outermost Regions: an asset for Europe’ (COM(2008)0642),
- having regard to Joint Memorandum of the Outermost Regions of 14 October 2009 on ‘The Outermost Regions in 2020’,
- having regard to the Commission communication of 3 March 2010 entitled ‘EUROPE 2020: A strategy for smart, sustainable and inclusive growth’ (COM(2010) 2020),
- having regard to the Memorandum of Spain, France, Portugal and the Outermost Regions of 7 May 2010 entitled ‘A Renewed Vision of the European Strategy for the Outermost Regions’,
- having regard to the conclusions of the 3022<sup>nd</sup> General Affairs Council meeting of 14 June 2010<sup>1</sup>,

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<sup>1</sup> OJ C 227 E, 21.9.2006, p. 512.

<sup>2</sup> OJ C 229 E, 19.11.2009, p. 12.

- having regard to the first report from the Commission to the European Parliament and to the Council of 24 September 2010, on the impact of the POSEI reform of 2006 (COM(2010)0501),
- having regard to the proposal for a regulation of the European Parliament and of the Council of 24 September 2010 laying down specific measures for agriculture in the outermost regions of the Union (COM(2010)0498),
- having regard to the Commission Communication of 29 June 2011 entitled ‘A Budget for Europe 2020’ (COM(2011)0500 – Parts 1 and 2),
- having regard to the proposal for a Council regulation of 29 June 2011, laying down the Multiannual Financial Framework for the years 2014-2020 (COM(2011)0398),
- having regard to the report entitled ‘Europe’s outermost regions and the Single Market: The EU’s influence in the world’, of 12 October 2011, presented to Commissioner Michael Barnier by Pedro Solbes Mira,
- having regard to the Commission’s communication to the European Council of 18 October 2010 entitled ‘Commission opinion pursuant to Article 355(6) of the Treaty on the Functioning of the European Union on the initiative of the French Government to amend the status of Saint-Barthélemy with regard to the Union’ (COM(2011)0559), and to Decision 2010/718/EU of 29 October 2010 of the European Council amending the status with regard to the European Union of the island of Saint-Barthélemy<sup>2</sup>,
- having regard to the Final Declaration of the 17th Conference of Presidents of the Outermost Regions of the European Union, of 3 and 4 November 2011,
- having regard to the contribution of the outermost regions of 15 January 2010 to the public consultation on the Commission Working Document on the future ‘EU 2020’ strategy (COM(2011)0647),
- having regard to the joint contribution of the outermost regions of 28 January 2011 on the Fifth Report on Economic, Social and Territorial Cohesion,
- having regard to the contribution of the outermost regions of the EU of 28 February 2011 to the Commission communication of 27 October 2010 entitled ‘Towards a Single Market Act’ (COM(2010)0608),
- having regard to the common platform of 6 July 2010, presented to the President of the Commission, José Manuel Durão Barroso, by the Conference of Members of the European Parliament from the outermost regions,
- having regard to Rule 48 of its Rules of Procedure,
- having regard to the report of the Committee on Regional development and the opinions of the Committee on Budgets and the Commission on Industry, Research and Energy (A7-00084/2012),

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<sup>1</sup> Council document No 11021/2010.

<sup>2</sup> OJ L 325, 9.12.2010, p. 4.

- A. whereas the Treaty provides, in Article 349, for a specific legal basis, based on primary law, under which a specific legal status and common policies have been consolidated in the interest of the outermost regions;
- B. whereas the Cohesion Policy should be aligned with, and incorporate the features of, the Europe 2020 Strategy, which is aimed at organising policy initiatives around smart, sustainable and inclusive growth, promoting an economy with a high level of employment that is socially and territorially cohesive, and should take due account of the situation of ORs; whereas the starting conditions in the ORs to achieve these objectives are more severe than in some regions and the ORs are prepared to cooperate in the implementation of the five goals with regard to employment, innovation, education, social inclusion, climate and energy to be achieved by 2020 and whereas the need to direct the objectives of the Europe 2020 strategy towards exploiting their potential and the growth of sectors of excellence does not mean that the structural obstacles facing these regions and the basic development role played by traditional sectors can be ignored;
- C. whereas Cohesion Policy must remain one of the main instruments of European action to reduce disparities in the European regions in general, and in the ORs in particular, with a view to enabling them to integrate into the internal market and assert themselves in their respective geographical areas, promoting the economic development and convergence of these regions with the EU mainland and pursuing the EU 2020 targets, since European Funds are key instruments; but whereas this European policy cannot by itself resolve all of the difficulties facing the ORs;
- D. whereas the major challenge for the economies of the ORs is to transform their constraints into growth potential and opportunities, with instruments that reduce disparities with regard to the free movement of people, goods, capital and services and whereas challenges such as globalisation, climate change, energy supply and the development of renewable energy, the sustainable management of natural, marine and agricultural resources, the preservation of biodiversity, social inclusion and combating poverty, and demographic pressures, require the coordination of all EU policies and instruments;
- E. whereas the deteriorating economic situation resulting from the economic, social and financial crisis has hit ORs particularly hard, highlighting the structural weaknesses of their economies and their dependence on the outside world;
- F. whereas European investments in the ORs not only involve a policy of making up delays and compensating for disadvantages, but are also investments carried out for the benefit and to the advantage of the whole of the European Union;

***Differentiated and holistic treatment for the outermost regions***

1. Stresses that, under the terms of the TFEU, the ORs are entitled to differentiated and holistic treatment, enabling them to benefit from the maximum level of support, irrespective of their level of development, so that their specific features are sufficiently considered and protected;
2. Emphasises the need, in accordance with the conclusions of the Fifth Report on Economic, Social and Territorial Cohesion, to increase the flexibility of Cohesion Policy instruments, in such a way as to allow investments capable of ensuring a level of growth and

development in line with EU 2020 Strategy objectives, even under particular geographic and demographic conditions;

3. Supports the advisability of ORs pursuing the main objectives defined in the Europe 2020 strategy, but emphasises the need to modulate these in accordance with their own situations, taking into account their regional diversity, their structural conditions and the potential benefits, while stressing that Article 349 of the TFEU, which stipulates the adoption of specific measures aimed at lessening the impact of OR characteristics, should be used more often than it is, and should be given the legal, institutional and political effect needed to ensure fair integration and economic and social development for the ORs within the internal market and, on a wider scale, within the European Union, and to ensure they can fully participate, on an equal footing with other regions, in all relevant EU programmes;
4. Believes that some flexibility needs to be shown for the ORs as regards concentration on the three main thematic objectives laid down in the new proposals for regulations from 2014, so as to avoid excessively restricting the possibility of diversifying and developing existing potential and of exploiting their comparative and competitive advantages;
5. Considers that other criteria should be used to determine the eligibility of ORs for the allocation of structural funds, given that the per capita GDP criterion does not provide an accurate reflection of their specific situations and is contrary to the spirit on which ‘outermost region status’ is based and to the Treaty itself; calls therefore for the implementation of a specific criterion whereby ORs are classified among the least developed regions regardless of their GDP, this being the most appropriate approach to their specific situation; stresses, moreover, that the co-financing rates in respect of the ORs should be 85% for all instruments providing aid for those regions; calls for an extension of the period of implementation of these funds in the ORs with a view to more effective implementation;
6. Deplores the proposal, within the additional ERDF funding, to reduce drastically the amounts to be allocated to the ORs and regions with a low population density for the financial period from 2014 to 2020 and is concerned that this allocation, initially designed to compensate for the effects of the structural disadvantages of the outermost regions and regions with a low population density, has been reduced to 50% by earmarking for different objectives; calls for this allocation to be increased to a co-financing rate of 85%, as for ERDF mainstream; calls therefore for the financial arrangements for the implementation of EU 2020 should provide for access to EU funding that is at least equal in real terms to that available for the current financial framework in order to implement the Europe 2020 strategy in a coherent and effective manner;
7. Regrets that cuts in other cohesion areas have been made, and more specifically that the Commission proposes an overall cut to economic, social and territorial cohesion financing of 5,1% in constant 2011 prices for the next programming period, including a cut of 20,2% in the financing for convergence regions (excluding transition regions), a 5,6% drop in the financing for competitiveness regions and a 2,9% decrease in the Cohesion Fund allocations;
8. Welcomes the Commission’s plan to include a budget line for ‘Outermost regions and regions with a very low population density’ in MFF 2014-2020, as this will create a clearer link between the funds allocated for those regions and their objectives;

9. Draws attention to the fact that in the proposal for a Regulation on the next ESF, the situation of ORs will not be referred to, considering not only the structural characteristics listed in Article 349 of the TFEU but also their specific economic situation which puts them among the regions with the highest unemployment rates in the EU;
10. Emphasises that European taxation and customs policies should be adjusted in order to enhance the competitiveness of the outermost regions' economies and that the existence of appropriate tax and customs frameworks is of paramount importance to the diversification of economic activity and the creation of sustainable jobs in the ORs;
11. Stresses the need for OR citizens to benefit from the advantages of the internal market on an equal footing with other EU citizens and calls for the adoption of measures in accordance with the recommendations of the Solbes report; Calls for the possibility of developing a specific framework on state aid to ORs to be examined, and favours retaining the current levels of aid for investment in large, medium and small enterprises and the possibility of granting operational aid which is not degressive or limited in time, within a flexible regulatory framework, given that this aid has proven that it does not harm competition and that it assists the ORs in achieving their Europe 2020 strategy objectives, particularly those on innovation, research and the environment; stresses in this connection the importance of public services for economic, social and territorial cohesion in ORs, particularly in the transport, aviation and maritime, postal, energy and communications sectors;
12. Stresses the importance of supporting small and medium-sized enterprises through the allocation of Union funds, with the aim of developing the productive fabric of the ORs and as a means of promoting workers' skills, thus enhancing region-specific products and the local economy;
13. Considers that EU intervention should aim to play a key role and boost initiative by developing, in the ORs, centres of excellence based on sectors which exploit their advantages and their know-how, such as waste management, renewable energy, energy self-sufficiency, biodiversity, student mobility, climate research and crisis management. considers that while measures taken at European mainland level and on the basis of the general characteristics of the European mainland are not always effective in the outermost regions, experimental schemes approved under Article 349 of the Treaty which have had real success can be extended to the rest of the EU; encourages the Commission to maximise these schemes within these regions with a view to achieving innovative, solidarity-based and sustainable growth;

*A specific framework for European policies in the outermost regions*

14. Calls for agricultural support measures under the POSEI scheme to be strengthened in order to compete with producers who benefit from lower production costs, and calls for the specific arrangements made for the ORs within the CAP to be maintained;
15. Advocates the need for prior assessment of the impact of European regulation projects on the economies of the Outermost Regions;
16. Highlights the need to maintain measures for the sustainable management and protection of marine resources, to gradually restrict access to marine areas identified as biogeographically sensitive so that eventually only local fleets are allowed there, to use environmentally friendly fishing equipment, to promote aquaculture, and to reintroduce the possibility of

granting fleet renewal and modernisation aid so as to improve health and safety conditions, and to implement good practices, and calls for an increase in the compensation for additional costs in the POSEI fisheries programme; emphasises the need to take an approach that is better adapted to the realities of each region, on the basis of development models for the sector drawn up by local stakeholders;

17. Regrets that the proposal for the reform of the Common Fisheries Policy does not take sufficient account of the situation of the ORs; draws attention to the marine dimension of the ORs and the importance of the fishing sector in regional development policy and jobs for local populations in view of their Exclusive Economic Zone, the potential of which should be reflected in concrete and coherent measures for a genuine marine economy and duly taken into account in the integrated European maritime policy programme; recalls the growing economic interest in the immense biogenetic and mineral wealth of the ocean depths in the outermost regions, which must be included in the 'Renewed Strategy for the ORs' with the aim of developing a knowledge economy based on the sea; considers in this connection that the ORs must be at the heart of EU maritime policy, emphasising the role they could play in the sustainable use of the sea and coastal regions as well as in international maritime governance, and that the Atlantic ORs should be able to participate in the Atlantic Strategy currently being developed;
18. Draws attention to the importance of the tourism sector and calls on the Commission to speed up the implementation of the European Action Plan and ensure more effective coordination of the existing funding lines, giving specific attention to the ORs;
19. Emphasises that the ORs wish to focus on a research and innovation strategy and on the growth of their business structure, particularly by promoting an entrepreneurial spirit among young people, so as to allow the development of SMEs and avoid youth unemployment; argues for the creation of technological infrastructures and Europe-wide innovation hubs, the development of projects and partnerships with Scientific and Technological System organisations and the exchange of ideas and good practices through European innovation support networks and smart specialisation such as the S3 platform, and long-term investments in the ORs, in the framework of Cohesion Funding and to ensure active participation in the flagship projects of the EU 2020 strategy; calls for the efforts made to date concerning the ORs to be pursued in order both to step up the establishment of local research facilities that are equal to their potential and to encourage and help the development of attractive, successful universities, with genuine resources and with standards equal to those of universities in other parts of the Union's territory;
20. Emphasises the need to facilitate synergy between Cohesion Policy funds and the Framework Programme for Research and Development in order to increase the development of the outermost regions and curb the under-utilisation of research funds;
21. Notes that a single European transport area should contribute towards ensuring the inclusive growth of the ORs, reduce their access gap and combat climate change; calls for the establishment of a specific framework to provide transport subsidies in the ORs particularly for public transport and to develop maritime transport between the islands; calls also for the establishment of logistical platforms and supports the implementation of projects such as Motorways of the Sea; highlights the possibilities of the Marco Polo programme for the ORs; calls on the Commission to increase the programme's flexibility and extend it after 2013 and calls for the Connecting Europe Facility to include specific references to the ORs;

urges that ORs be included in TEN-T networks and the new instrument aimed at facilitating European interconnections;

22. Points out that the ORs' dependence on imported fossil fuels results in substantial additional costs; notes also the relatively low level of regional policy investments in ORs to combat climate change; proposes strengthening the renewable energy sector and energy efficiency through initiatives such as the 'Pact of Islands', aimed at developing local action plans for renewable energy and projects suitable for financing, in order to achieve a reduction in CO2 emissions of at least 20% by 2020 by setting up a dedicated programme for research projects in the fields of renewable energy and diversification of the regional energy base, specifically with regard to geothermal, wave and hydrogen energy, and setting up a specific programme in the field of energy to reduce the costs due to remoteness, infrastructure and provision of services, in order to promote the ambitious policies the ORs have committed to on the development of renewable energy;
23. Notes with concern the effects of climate change in the ORs, most notably rising water levels; calls on the Union to address these issues in its climate change prevention and response strategy; recommends the appropriate use of energy resources and the development of the potential of renewable energies;
24. Urges the Commission to establish a specific programme in the field of energy, transport and information and communications technology, based on the POSEI schemes with the best possible synergies with other EU strands of action in these fields;
25. Considers it necessary to help Member States ensure that the inhabitants of these regions have full access to the sources of the information and communication media provided by new technologies, e.g. broadband technology and wireless technologies, including satellite, and, in particular, access to broadband infrastructure so as to promote economic growth and better administration through the digitisation of services; calls on the Commission and the Member States to ensure that all inhabitants of the ORs have access to broadband internet by 2013;
26. Recognises, in view of the fact that the digital economy is without doubt a driver of economic development in the EU, the effects of the growing problem of digital exclusion, which can become a serious barrier to development;
27. Considers that the innovative financing methods of cohesion policy could partially resolve the chronic lack of investment in very small enterprises/SMEs in the ORs and stresses the need to improve access to funding for businesses in ORs in particular by setting up a dialogue with the EIB Group and by supporting the creation of local investment funds in each OR as well as the development of regional capital investment markets in accordance with the proposal in the above-mentioned Pedro Solbes Mira report on Europe's outermost regions and the Single Market; calls on the Commission to make a legislative proposal to Parliament and to the Council to this end.
28. Calls for experimental schemes for public procurement, in a limited number of sectors, to be set up in these regions, such that the award procedures are weighted by taking into account the location of the bidders;

***Better governance and integration of the outermost regions in the EU and in their geographical environments***

29. Advocates greater involvement of the regional authorities of the ORs in preparing and implementing European programmes and policies, respecting the principles of flexibility, adaptability and modulation, within a framework of subsidiarity and a multi-level and partnership-based form of governance, in partnership with the private sector and civil society, in order to ensure that their specific needs are taken into account at all levels of the decision-making process and to ensure greater visibility of these regions in the EU institutions;
30. Considers that one of the main weaknesses of the ORs is resource management; believes it is necessary to equip them with sufficient rudiments to allow them to manage their investments, especially in infrastructure – not only transport infrastructure but also that for water, energy and waste management;
31. Recalls that the above-mentioned recent report by Pedro Solbes Mira on Europe's outermost regions in the single market revealed that the economies of the ORs are constrained in almost every respect by additional costs; draws the attention of the Commission to the monopolies, abuse of dominant positions and cartel offences which have the unfair consequence of exacerbating high living costs; calls on the Commission to carry out an in-depth study on pricing in the ORs in order to determine the correct instruments to make the common market more efficient in these regions;
32. Points to the role of the ORs as EU borders with the rest of the world and advocates an approach, particularly through pursuing the debate the Commission has said it will hold in partnership with the ORs, that recognises their closeness to EU third countries, including the countries with which they have special cultural and historical ties; draws attention to their integration problems in their respective geographical areas, and to the need to find specific innovative schemes which encourage real regional integration through shared programmes and projects between the ORs and neighbouring third countries and to help establish good connections between their respective geographical areas; stresses the significant impact that the external aspects of some EU policies have on ORs and highlights the need to carry out studies to measure the impact of international trade and fisheries agreements and their effects on the ORs and their local production, while also establishing compensatory measures to mitigate any damage resulting from such agreements;
33. Regrets the initial reluctance shown by DG Trade to take into account the specific characteristics of the outermost regions when negotiating Economic Partnership Agreements (EPAs) and urges the Commission to continue to seek compromises that respect the interests of the ORs concerned, when it comes to reaching final agreements with the ACP countries;
34. Recalls again the need for better synergy between cohesion policy funds and the European Development Fund in order to enhance projects of general interest and the regional integration of ORs; recalls in this connection Parliament's reiterated position in favour of including the EDF in the budget;
35. Stresses the importance of regional cooperation for ORs and of the continuation of territorial cooperation programmes in the ORs; in this context, advocates more relaxed regulations aimed at using more effectively the available funding and completing cooperation projects as well as raising the ERDF co-financing rates to 85%, giving greater priority to transnational cooperation and removing, in the case of the ORs, the 150km criterion for sea borders in cross-border cooperation; also recalls that the special



geographical location of the ORs, and the importance of their geostrategic role, represent a considerable added value for the European Union in its relations with African and Central American countries and the United States of America;

36. Considers that the development of crossborder e-government services will contribute to the integration of the ORs into the internal market of the Union;
37. Points out that the Danish, French and Dutch overseas territories referred to in paragraphs 1 and 2 of Article 355 of the TFEU can choose to become ORs, opting for whichever status is most appropriate to their situation, and draws attention to the current ORs and to the decisive role they can play in promoting and consolidating their status;
38. Draws attention to the imminent accession of Mayotte to OR status and calls on the Commission to increase its essential support for the proper absorption of funds; points out in this respect the available budget for the preparatory action to assist Mayotte and the need to provide specific schemes to aid this region, or any other territory potentially affected in the next multi-annual financial framework, with its switchover to outermost region status, so as to support these territories in their process of transformation into ORs;

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39. Instructs its President to forward this resolution to the Council, the Commission, and the Member States.

**Human rights in the world and the European Union's policy on the matter including implications for the EU's strategic human rights policy**

**European Parliament 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 (2011/2185(INI))**

*The European Parliament,*

- having regard to the EU Annual Report on Human Rights and Democracy in the World in 2010 (11501/2/2011) published by the European External Action Service on 26 September 2011,
- 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 on Human Rights and Democracy at the Heart of EU External Action – Towards a more effective approach (COM(2011)0886),
- having regard to the Council Conclusions on intolerance, discrimination and violence on the basis of religion or belief, as adopted at the 3069th Foreign Affairs Council meeting in Brussels on 21 February 2011,
- having regard to its resolution of 14 February 2006 on the human rights and democracy clause in European Union agreements<sup>1</sup>,
- having regard to its resolution of 25 February 2010 on the 13<sup>th</sup> session of the United Nations Human Rights Council<sup>2</sup>,
- having regard to its resolution of 19 May 2010 on the Review Conference on the Rome Statute of the International Criminal Court, in Kampala, Uganda<sup>3</sup>, the resolutions and declarations adopted by the Review Conference in Kampala, Uganda, 31 May – 11 June 2011, and the pledges signed up to by the EU,
- having regard to its resolution of 17 November 2011 on EU support for the ICC: facing challenges and overcoming difficulties<sup>4</sup>,
- having regard to Council Decision 2011/168/CFSP of 21 March 2011 on the International Criminal Court<sup>5</sup>, and the revised action plan,
- having regard to the UN Declaration on Human Rights Defenders, the activities of the Special Representative of the UN Secretary-General on the situation of human rights

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<sup>1</sup> OJ C 290 E, 29.11.2006, p. 107.

<sup>2</sup> OJ C 348 E, 21.12.2010, p. 6.

<sup>3</sup> OJ C 161 E, 31.5.2011, p. 78.

<sup>4</sup> Texts adopted, P7\_TA(2011)0507.

<sup>5</sup> OJ L 76, 22.3.2011, p. 56.

defenders, the EU Guidelines on Human Rights Defenders, and its resolution of 17 June 2010 on EU policies in favour of human rights defenders<sup>1</sup>,

- having regard to its resolution of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women<sup>2</sup>,
- having regard to the EU Guidelines for the Promotion and Protection of the Rights of the Child and the EU Guidelines on Children and Armed Conflict, as well as the many previous Parliament resolutions touching on these issues,
- having regard to its resolution of 25 November 2010 on corporate social responsibility in international trade agreements<sup>3</sup>,
- having regard to its resolution of 8 June 2011 on the external dimension of social policy, promoting labour and social standards and European corporate social responsibility<sup>4</sup>,
- having regard to its resolution of 7 July 2011 on EU external policies in favour of democratisation<sup>5</sup>,
- having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, and its latter revisions in February 2005 and June 2010,
- having regard to all its resolutions on urgent cases of breaches of human rights, democracy and the rule of law,
- having regard to the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief,
- having regard to United Nations General Assembly resolution 66/167 on combating intolerance, negative stereotyping and stigmatisation of, and discrimination, incitement to violence and violence against, persons based on religion or belief,
- having regard to the Foreign Affairs Council Conclusions on the European Neighbourhood Policy, adopted on 20 June 2011 at its 3101st meeting,
- having regard to its resolution of 27 October 2011 on Tibet, in particular self-immolation by nuns and monks<sup>6</sup>,
- having regard to its resolution of 5 May 2010 on the power of legislative delegation<sup>7</sup>,
- having regard to the Statement by the European Parliament and the Council on the use of Delegated Acts in the future Multiannual Financial Framework (MFF) 2014-2020, annexed

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<sup>1</sup> OJ C 236 E, 12.8.2011, p. 69.

<sup>2</sup> Texts adopted, P7\_TA(2011)0127.

<sup>3</sup> OJ C 99 E, 3.4.2012, p. 101.

<sup>4</sup> Texts adopted, P7\_TA(2011)0260.

<sup>5</sup> Texts adopted, P7\_TA(2011)0334.

<sup>6</sup> OJ C 48 E, 18.2.2012, p. 239.

<sup>7</sup> Texts adopted, P7\_TA(2011)0474.

to its legislative resolution of 1 December 2011 on the joint text approved by the Conciliation Committee for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1934/2006 establishing a financing instrument for cooperation with industrialised and other high-income countries and territories<sup>1</sup>,

- having regard to the Foreign Affairs Council Conclusions on the European Endowment for Democracy, adopted on 1 December 2011 at its 3130th meeting, and the Declaration on the establishment of a European Endowment for Democracy, agreed to by COREPER on 15 December 2011,
- having regard to Articles 3 and 21 of the Treaty on European Union,
- having regard to Article 207 of the Treaty on the Functioning of the European Union,
- having regard to the European Union’s Guidelines on Human Rights,
- having regard to its resolution of 17 June 2010 on implementation of Council Regulation (EC) No 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment<sup>2</sup>,
- having regard to its resolution of 7 October 2010 on the World Day against the death penalty<sup>3</sup>,
- 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<sup>4</sup>,
- having regard to the adoption by the Committee of Ministers of the Council of Europe on 7 April 2011 of the Convention on preventing and combating violence against women and domestic violence,
- having regard to UN General Assembly resolution 65/208 of 21 December 2010 on extrajudicial, summary or arbitrary executions,
- having regard to the UN General Assembly resolutions 46/121, 47/134 and 49/179 on human rights and extreme poverty, 47/196 on the observance of an international day for the eradication of poverty, and 50/107, on the observance of the International Year for the Eradication of Poverty and proclamation of the first United Nations Decade for the Eradication of Poverty,
- having regard to UN Economic and Social Council Documents E/CN.4/Sub.2/1996/13, E/CN.4/1987/NGO/2, E/CN.4/1987/SR.29 and E/CN.4/1990/15 on human rights and extreme poverty, E/CN.4/1996/25 on the right to development and UN Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1996/25 on the realisation of economic, social and cultural rights,

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<sup>1</sup> Texts adopted, P7\_TA(2011)0533.

<sup>2</sup> OJ C 236 E, 12.8.2011, p. 107.

<sup>3</sup> OJ C 371 E, 20.12.2011, p. 5.

<sup>4</sup> Texts adopted, P7\_TA(2010)0489.

- having regard to the Report by the UN Special Rapporteur on extreme poverty and human rights (A/66/265) examining the laws, regulations and practices that restrict behaviours in public spaces by persons living in poverty,
- having regard to UN Human Rights Council Resolution 17(13) of 17 June 2011 on extreme poverty and human rights, and all other relevant Human Rights Council resolutions,
- 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 of 13 October 2011 on increasing the impact of EU Development Policy: an Agenda for Change (COM(2011)0637),
- having regard to United Nations Security Council resolutions 1325, 1820, 1888, 1889 and 1960 on women, peace and security,
- having regard to United Nations General Assembly resolution 65/276 of 3 May 2011 on Participation of the European Union in the work of the United Nations,
- having regard to the Commission proposal for a regulation of the European Parliament and of the Council of 7 December 2011 establishing common rules and procedures for the implementation of the Union’s instruments for external action (COM(2011)0842),
- having regard to the Commission proposal for a regulation of the European Parliament and of the Council of 7 December 2011 establishing a financing instrument for the promotion of democracy and human rights worldwide (COM(2011)0844),
- having regard to its resolution of 14 December 2011 on the review of the European Neighbourhood Policy<sup>1</sup>,
- having regard to the Joint Communication by the High Representative of the Union for Foreign Affairs and Security Policy and the Commission to the European Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of 8 March 2011 on A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean (COM(2011)0200),
- having regard to the Joint Communication of the High Representative of the Union for Foreign Affairs and Security Policy and the Commission of 25 May 2011 on A new response to a changing Neighbourhood (COM(2011)0303),
- having regard to the Commission Communication of 25 October 2011 ‘A renewed EU strategy 2011-2014 for Corporate Social Responsibility’ (COM(2011)0681) and the ‘Study of the Legal Framework on Human Rights and the Environment Applicable to European Enterprises Operating Outside the European Union’ carried out by the University of Edinburgh in October 2010,
- having regard to its resolution of 25 November 2010 on human rights and social and environmental standards in international trade agreements<sup>2</sup>,

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<sup>1</sup> Texts adopted, P7\_TA(2011)0576.

<sup>2</sup> OJ C 99 E, 3.4.2012, p. 31.

- having regard to its recommendation to the Council of 2 February 2012 on a consistent policy towards regimes against which the EU applies restrictive measures, when their leaders exercise their personal and commercial interests within EU borders<sup>1</sup>,
- having regard to the 16 May 2011 Report of the UN Special Rapporteur (A/HRC/17/27) on the promotion and protection of the right to freedom of opinion and expression, which underlines the applicability of international human rights norms and standards on the right to freedom of opinion and expression to the internet as a communication medium,
- having regard to the Annual Report of the UN Special Representative of the Secretary-General on Violence against Children, of 13 January 2012, which reaffirms the human rights normative foundation of children’s freedom from violence and calls for the universal ratification of the Optional Protocols to the Convention on the Rights of the Child and for the enactment of national legislation banning all forms of violence against children,
- having regard to its resolution of 11 May 2011 on the development of the common security and defence policy following the entry into force of the Lisbon Treaty<sup>2</sup>,
- having regard to the Universal Declaration of Human Rights and to all relevant international human rights instruments,
- having regard to the United Nations Charter,
- having regard to all United Nations human rights conventions and optional protocols thereto<sup>3</sup>,
- having regard to the UN Declaration on the Rights of Indigenous Peoples,
- having regard to the European Convention on Human Rights and the ongoing negotiations on the EU’s accession to the Convention,
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to Rules 48 and 119(2) of its Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on Development and the Committee on Women’s Rights and Gender Equality (A7-0086/2012),

A. whereas the founding Treaties commit the Union to having its external actions guided by the principles of democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity and the rights of minorities, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law;

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<sup>1</sup> Texts adopted, P7\_TA(2012)0018.

<sup>2</sup> Texts adopted, P7\_TA(2011)0228.

<sup>3</sup> UN Convention against Torture; UN Convention on the Rights of the Child; UN Convention on the elimination of all forms of discrimination against women; UN Convention on the Rights of Persons with Disabilities; International Convention for the Protection of All Persons from Enforced Disappearance.

- B. whereas justice and the rule of law are pillars of sustainable peace, guaranteeing human rights and fundamental freedoms; whereas the Rome Statute of the ICC makes a decisive contribution to the upholding of human rights, to international law and to the fight against impunity;
- C. whereas democracy, the rule of law, justice and accountability are the best safeguards of human rights, fundamental freedoms, tolerance and equality;
- D. whereas freedom of thought, conscience and religion is at the core of the European Union, and this should be reflected relentlessly in its external action;
- E. whereas there is a link between human rights and development; whereas human rights are essential to achieving and sustaining the MDGs;
- F. whereas freedom of conscience, religion, opinion and expression without the risk of state punishment are core universal rights;
- G. whereas human rights defenders are crucial actors when it comes to the protection and promotion of human rights and the consolidation of democracy;
- H. whereas non-governmental organisations are essential to the development and success of democratic societies and the promotion of mutual understanding and tolerance;
- I. whereas freedom of religion or belief continues to be under growing threat in many parts of the world from governmental and societal restrictions alike, resulting in discrimination, intolerance and violence against individuals and religious communities, including religious minority representatives;
- J. whereas lessons must be learned from the European Union's past failures in re-shaping its external action while enshrining human rights and democracy at the heart of its policies and promoting transition in countries with authoritarian regimes and de facto support for those regimes, in particular where stability and security concerns have compromised a principled policy of promoting democracy and human rights; whereas these failures have shown the need to redefine current EU instruments on the matter and establish new tools, such as the European Endowment for Democracy – an expert, proactive, lightly structured and thus cost-, decision- and response-effective tool at arm's length from the EU, capable of utilising in-depth knowledge and insights on the local situation in the countries of impact, through direct cooperation with local partners and twinnings between European and local partners, and also utilising, directly or through re-granting, resources from the EU, Member States and other sources to support civil society capacity for democratic opposition and political actors striving for democratic change in non-democratic countries and countries in transition, in a mutually safe and, where necessary, deniable manner;
- K. whereas free and fair elections only represent the first step towards democracy, which is a long-term process based on respect for human rights, the rule of law and good governance;
- L. whereas the enforcement of human rights clauses and human rights conditionality in partnership agreements between the EU and third countries entailing EU development aid remains unsatisfactory;

- M. whereas 2010 marked the tenth anniversary of UN Security Council resolution 1325 (2000) on women, peace and security; whereas, however, additional efforts are needed for its implementation in the EU and around the world;
- N. whereas different Member States have unique experiences to offer in terms of overcoming authoritarian regimes in their own past, and whereas this transition experience should be better utilised in the Union's relations with partner countries in strengthening democracy and human rights;
- O. whereas the EU Annual Report on Human Rights and Democracy in the World in 2010 provides a general overview of EU policy on the matter;
- P. whereas this resolution sets out to examine, evaluate and, where appropriate, offer constructive criticism of the human rights activities of the Commission, the Council, the High Representative and the European External Action Service and the overall activities of the Parliament, with a view to scrutinising EU action and to delivering an input to the review of the Union's policy on the matter;

### ***General Points***

1. Stresses that, for the European Union (EU) to be a credible actor in external relations, it must act consistently, in accordance with Treaty and *acquis* obligations and avoid double standards between its human rights policy and other external policies, between internal and external policies, and in the conduct of its relations with third countries, combining this approach with the challenge of developing the human rights Country Strategy Papers and implementing action plans, which must also cover democratisation, reflecting the specificity of each country as regards impact, and making full use of the EU's relevant instruments;
2. Stresses that appropriate measures must be taken to ensure that civil rights and fundamental freedoms are not compromised or diminished in times of economic crisis;
3. Stresses, too, that the Union's policies should also be consistent and exemplary within the EU, as well as coherent and in line with fundamental values and principles in order to maximise the EU's credibility globally and the effectiveness of human rights policies; insists that a clear indication that the recommendations made in the 2007 Fava report on the transportation and illegal detention of prisoners be implemented, and welcomes the initiative of drawing up a follow-up report of Parliament; considers it regrettable that, despite the explicit call made by Parliament in the abovementioned report, a number of Member States have failed to address fully and openly their complicity in the worldwide violation of human rights that took place in the context of the US rendition and secret detention programme, and in the accompanying domestic human rights violations; believes this situation to be a grave and serious impediment to the EU's promotion of human rights in the world and to its claims to moral authority; calls on the EU institutions to maintain pressure on Member States for full and open investigations; stresses the importance of continuing work on accountability in relation to secret detention in the context of countering terrorism;
4. Recalls that economic and social rights have been an integral part of human rights since the adoption of the Universal Declaration of Human Rights in 1948; believes, therefore, that the EU must help to implement these rights in less advanced and developing countries with which it signs international agreements, including trade agreements;



5. Believes that the recast of the asylum directives should put an end to continuing concerns about human rights breaches, as well as allegations of double standards by Member States in this area; maintains that the Member States should provide correlation tables for the pertinent provisions of the directives, in order to allow for proper scrutiny of their implementation; stresses that the difficult exercise of developing a common policy presents an opportunity to build on best practice; underlines the role to be played by the European Asylum Support Office (EASO); insists that the Member States have a role to play in the resettlement of refugees and renews its demands for the creation of a true Joint EU Programme for the Resettlement of Refugees;
6. Calls on the United States to honour its pledge to close the detention facility at Guantánamo Bay; urges Member States to step up efforts to resettle non-European detainees released from Guantánamo who cannot be repatriated to their home states as they are under threat of death, torture or cruel and inhumane treatment;
7. Calls for the EU, the Member States and the Commission immediately to take the measures needed to ensure the rescue at sea of migrants trying to enter the EU and to ensure coordination and cooperation between the Member States and the competent authorities in order to avoid the drowning and death of hundreds of women, children and men at sea;
8. Encourages the negotiations on the EU's accession to the European Convention on Human Rights;
9. Welcomes the development of Country Strategy Papers on human rights and stresses that these should also cover democratisation; calls for their prompt implementation through action plans to complement these strategies, based on broad consultation processes with local and international civil society organisations, analyses of the situation and needs in each country and making full use of the EU's relevant instruments; insists on the need to use these Country Strategy Papers as reference documents to be mainstreamed in all policies and relevant external financial instruments; reiterates its call for the Country Strategy Papers to be made available to Parliament; stresses the need for consistency and avoidance of double standards;
10. Emphasises the crucial role played by civil society in the protection and promotion of democracy and human rights; calls for the designation of contact persons for civil society and human rights defenders in EU Delegations to be completed; stresses that EU contacts with civil society should be built on a genuine partnership, including systematic, timely and regular dialogue on an equal footing, which must guarantee the active participation of civil society actors in the process of good governance; stresses that the information collected in this context must be put to good use, but also protected by EU policies, particularly through democracy and human rights clauses; stresses the need to improve information sharing between the different actors involved in the defence of human rights across the world, in order to enable them to gain a better understanding of the activities and actions carried out, particularly with regard to specific cases, as well as the difficulties encountered; stresses, in this regard, that a civil society monitoring mechanism should be set up to ensure that civil society is systematically involved in the implementation of agreements and programmes; welcomes, at the same time, initiatives such as the Eastern Partnership Civil Society Forum, and encourages EU institutions to take up more of the recommendations and declarations developed in the course of the EP-CSF in Brussels in 2009, in Berlin in 2010, and in Poznań in 2011;

11. Regrets the fact that some EU partner countries are initiating politicised and falsified trials against persons, thus violating human rights and fundamental norms of the rule of law; is deeply concerned, that despite international calls, no measures are being taken in those third countries to guarantee and respect the rights of those convicted in politically motivated cases;
12. Stresses that facilitating citizens' direct participation in public life through their direct participation in political parties at national and European level is an essential right to express one's view and a democratic right;
13. Urges the EU to undertake additional efforts, mainstream more effectively human rights and democracy across development cooperation and ensure that EU development programmes contribute to the fulfilment by partner countries of their international human rights obligations; calls also for human rights and democracy to be integrated into programmes linking relief, rehabilitation and development (LRRD), because of their vital importance in the process of transition from humanitarian emergency to development;
14. Welcomes the special relevance assigned to human rights, democracy and the rule of law in the Communication on Increasing the Impact of EU Development Policy: an Agenda for Change (COM(2011)0637), and stresses that democracy, respect for human rights and fundamental freedoms, good governance, peace and security are prerequisites for – and have a synergetic and mutually reinforcing relationship to – development, the reduction of poverty and the achievement of the Millennium Development Goals; reaffirms the importance of a human rights-oriented development policy and calls on the EU to set specific, measurable, achievable and time-bound objectives for human rights and democracy in its development programmes; calls on the EU to focus its development assistance on strengthening institution-building and civil society development of recipient countries, as those elements are crucial for good governance, as well as for ensuring accountability and ownership of development processes; calls for a strengthening of the human rights and conditionality clauses in EU supported programmes; calls on the European External Action Service and the Commission to seek new ways to ensure better linkages between dialogues on human rights with partner countries and development cooperation;
15. Stresses that the EU should ensure that its actions in the field of development policy, peace-building, conflict prevention and international security are mutually reinforcing; underlines, in this context, the necessity of devising appropriate strategies for countries in situations of fragility;
16. Emphasises the interdependence between extreme poverty and the lack of human rights, and highlights the need to develop a set of principles on the application of standards and criteria relating to human rights in the fight against extreme poverty;
17. Reiterates that 70 % of the world's poor live in rural areas and depend directly on natural resources for their survival and well-being, and that the urban poor also rely on these resources; calls for the EU to defend access for populations to the natural and vital resources of their countries, access to land and food security as a fundamental right; deplores the fact that a significant number of people do not have basic commodities such as water; draws attention to the rights set out in the UN Social Responsibility Pact, such as the rights to appropriate nutrition, minimum social standards, education, health care, just and favourable working conditions and participation in cultural life, which should all be treated equally;

### *The 2010 EU Annual Report*

18. Stresses the importance of the EU Annual Report on Human Rights and Democracy in the analysis and evaluation of the EU's policy on the matter; notes with regret that, for the first time since the presentation of Annual Reports on Human Rights in the World, the VP/HR and/or the European External Action Service (EEAS) did not present the report to the plenary at all this year and very strongly encourages the VP/HR to present future such reports to Parliament and in timely fashion;
19. Regrets the largely descriptive nature of the Annual Report and the excessive focus on one-off actions; reiterates its request that a more systematic approach be provided, including the use of indices and benchmarks for individual countries, and that performance against these targets be analysed in the Annual Report, in order to facilitate a substantiated assessment of performance;
20. Welcomes the comprehensive section on violence against women and on the rights of the child in this year's Annual Report; draws attention, in this context, to scourges such as forced and sex-selective abortion, forced sterilisation and female genital mutilation; recognises the priority given to supporting efforts towards the worldwide abolition of the death penalty and to judicial reform issues; endorses the VP/HR's practical focus on EU action in international forums;
21. Notes that the Annual Report does not include a specific section on development; stresses, especially after the entry into force of the Lisbon Treaty and given the current integrated strategy on human rights, that a thematic section in the Annual Report should be devoted to 'human rights and development';
22. Urges the VP/HR in her drafting of future Annual Reports to consult actively, systematically and in a transparent fashion with Parliament, in a timely way and comprehensively with human rights NGOs, publicly inviting all interested organisations to provide their input, enhancing the use of social networks and media to consult as many organisations as possible; calls on the VP/HR also systematically to consult with the Parliament and to report on the way that Parliament's resolutions have been taken into account; asks the VP/HR more regularly to provide information on the stage of preparation of future Annual Reports whenever requested to do so by Parliament;

### *Mainstreaming*

23. Notes the VP/HR's statement to Parliament on 13 December 2011 following up on Parliament's long-standing call for the creation of an EU Special Representative on Human Rights; requests that, if this function is established, the EU Special Representative should have cross-sectoral skills enabling the implementation of a cohesion policy aimed at integrating human rights in all EU policies; warns, however, against any attempt to isolate human rights policy from the overall external policy strategies through the creation of such a Special Representative;
24. Considers it vital that international agreements, in particular on trade, energy, readmission, security and technical cooperation, do not contradict the EU's founding principles enshrined in Article 21 of the TEU; proposes that human rights impact assessments with benchmarks be undertaken prior to the launching of the negotiations of such agreements as well as during the negotiation stage, to be followed up by regular progress reports comprising the

- assessments made by the EU institutions and services responsible for implementation and evaluations provided by local and international civil society organisations as part of institutionalised civil society monitoring mechanisms; insists on the full use, in this regard, of Article 218 of the TEU, according to which the Commission has the obligation to inform Parliament and the Council at all stages of the negotiations on international agreements with third countries; considers it highly important, in this respect, to provide EU institutions with highly qualified and independent expertise on individual countries' human rights and democracy situations;
25. Recommends that, to move beyond general ideas of human rights mainstreaming, a set of practical measures be drawn up which must be binding on all EU officials working externally, as well as on all staff in Member States taking part in the operational actions of EU agencies, including FRONTEX, and on experts working on behalf of the EU and financed by the EU, who should comply with international norms and standards; stresses that training on human rights must be compulsory across the EEAS and relevant parts of the Commission; recommends that tasks pertaining to mainstreaming be incorporated into officials' job descriptions as part of the yearly staff evaluation;
  26. Recommends also that, whenever a gross breach of human rights is committed by a partner country with which an international agreement, such as a partnership and cooperation agreement, has been concluded, the EU take bolder steps in carrying out the appropriate sanctions as stipulated in the human rights clauses of the agreement, including possible temporary suspension of the agreement;
  27. Highlights the importance of drawing up adequate follow-up programmes to the EU Election Observation Mission Reports in close cooperation with the European Parliament, ensuring that these follow-up programmes are also linked to any development programmes;
  28. Stresses that the mainstreaming of international justice must include systematically taking account of the fight against impunity and the principle of complementarity in the broader context of trade, development and rule-of-law assistance; stresses that rehabilitation and reintegration of victims in society and affected communities must be the central concern, with a special focus on vulnerable groups, including women, children, young people and people with disabilities; highlights the importance of establishing constitutional structures, including an efficient legal system, the separation of powers and a recognised and independent judiciary in order to strengthen the promotion of human rights in any country; recommends that the Rome Statute of the ICC be added to the package of international treaties on good governance and the rule of law to be ratified by third countries admitted to the System of Generalised Preferences Plus (GSP+); recommends the consistent inclusion of ICC clauses in the human rights and democracy clauses of EU agreements with third countries, taking account of the fact that such clauses are to be considered as essential elements of the agreements, with the focus on strategic partnerships and the countries covered by the European Neighbourhood Policy;

### *EU action in the context of the United Nations*

29. Welcomes the adoption by the UN General Assembly of resolution 65/276 on the participation of the EU in the work of the UN as a modest start to a greater endeavour to upgrade the EU role in the organisation; stresses that speaking with one voice should not come at the expense of human rights concerns and, on the contrary, considers that the EU

must now vigorously insist on exercising its rights and put its enhanced status to work in order to pursue an ambitious human rights and democracy promotion strategy;

30. Reiterates its call on the Council to authorise the VP/HR to draft guidelines for regular consultations between the ambassadors of the Member States and the EU's ambassadors, especially between those working at multilateral level in places like Geneva and New York, so that the EU can successfully pursue its UN agenda and act for the promotion and defence of human rights;
31. Welcomes the constructive role played by the EU in the reform of the Human Rights Council (HRC), in particular its total support for the independence of the Office of the High Commissioner for Human Rights, its defence of the role of Special Procedures, country mandates and the indivisibility of all human rights; recommends that the EU and its Member States state their clear opposition to the practice of regional groups putting forward 'clean slates' for elections to the HRC; welcomes the first complete cycle of the Universal Periodic Review (UPR), and recommends that EU Member States lead by example, building on from the first round input following consultations at national level; endorses the inclusion of follow-up to the UPR on the agenda of EU human rights dialogues with third countries and in Country Strategy Papers;
32. Stresses the fact that in order to attract a consensus on more of its proposals at the HRC, the EU's capacity for outreach must be improved as a matter of urgency, including through enlisting the support of the VP/HR to lobby capitals in third countries in support of EU positions; welcomes the more strategic, medium-term approach to the preparation of HRC sessions being taken within the Human Rights Working Group of the Council (COHOM);

#### ***EU policy on the International Criminal Court (ICC) and the fight against impunity***

33. Welcomes the updating of the EU's policy on the ICC of 12 July 2011; notes that the Rome Statute of the ICC establishes a mechanism of 'last resort' to bring to justice the individuals responsible for crimes against humanity, genocide, war crimes and the crime of aggression, as provided by the principle of complementarity enshrined in the Rome Statute; recognises the Commission's efforts to establish an 'EU Complementarity Toolkit' aimed at supporting the development of national capacities and generating political will for the investigation and prosecution of alleged international crimes, and stresses the importance of thorough consultations with Member States, Parliament and civil society organisations in order to finalise the toolkit; welcomes the efforts of civil society in Member States to support complementarity efforts in countries where crimes under international law and massive human rights violations have occurred, and encourages the continuation of such efforts; encourages the EU and its Member States to adopt a set of internal guidelines outlining a code of conduct for contacts with persons wanted by the ICC; calls on all Member States (notably the Republic of Cyprus, the Czech Republic, Hungary, Italy, Luxembourg and Portugal) to enact national legislation on cooperation with the Court and conclude framework agreements with the ICC in order to facilitate cooperation, in particular to ensure the execution of arrest warrants and other Court requests;
34. Welcomes the adoption at the Kampala Review Conference of amendments to the Rome Statute related to the crime of aggression and certain war crimes, and calls on all Member States promptly to ratify these substantive amendments and to implement them as part of their domestic penal systems; in this context, calls on the Council and the Commission to use their international authority in the interests of securing and strengthening the

universality of the Rome Statute for an internationally agreed definition of acts of aggression in breach of international law; welcomes the EU's pledges, in particular on the fight against impunity as a core value to be shared with our partners when entering into agreements, and calls for their consistent implementation;

35. Recommends that the EU systematically include ICC clauses in agreements with third countries and promote respect for, cooperation with and assistance to the ICC within the framework of the Cotonou Agreement and of dialogues between the EU and regional organisations such as the African Union, the Arab League, the Organisation of American States and the OSCE, and third countries;
36. Welcomes the EU's and Member States' financial and logistical support for the ICC, and recommends that it be maintained; expresses its deep concern over the outcome of the budget discussions at the December 2011 session of the Assembly of State Parties, which threatens to leave the Court underfunded and thus undermines its ability to deliver justice and to respond to new situations; calls on the EU and its Member States to show adequate support for the functioning of the Court, including taking a proactive role in the surrender of indictees;

#### ***EU policies to support democratisation***

37. Insists that the goals of development, democracy, human rights, good governance and security are intertwined; reiterates its conviction that all EU external actions must combine a political dimension which supports pluralism, democracy and respect for human rights, fundamental freedoms and the rule of law, and a development dimension which focuses on socio-economic progress, including eradication of poverty, the fight against inequality, and the basic need for food, based on sustainable development; adds in this context that EU development aid programmes should include concrete and substantial reforms to ensure respect for human rights, transparency, gender equality and the fight against corruption in beneficiary countries; notes, furthermore, that stricter conditionality and suspension of aid should be applied in beneficiary countries which manifestly disregard basic human rights and freedoms and which fail to enact legislation that fulfils international obligations;
38. Considers that the performance-driven 'more for more' approach should drive the relations of the EU with all third countries, that the EU should only grant partner countries advanced status if clear human rights and democracy requirements are met, and that it should not hesitate to freeze this status should these requirements no longer be fulfilled; considers that serious consideration should be given to this in further negotiations with Russia on the new advanced Partnership Agreement;
39. Calls for systematic support for new, freely and fairly elected parliaments, especially in countries in transition and those to which the EU has sent election observation missions; considers that such support should be financed by the European Instrument for Democracy and Human Rights (EIDHR) and geographic instruments;
40. Welcomes the plans to establish a European Endowment for Democracy (EED), as set out in the Joint Communication of the VP/HR and the Commission, the Council Conclusions of the 3101st and 3130th meetings, leading to the Declaration on the Establishment of a European Endowment For Democracy agreed to by COREPER on 15 December 2011, together with the efforts undertaken by a European Endowment for Democracy Working Group established under the auspices of the EEAS in cooperation with Member States and

EU institutions; underlines the Endowment's potential function, under Parliament's oversight, as a flexible and expert tool to support actors striving for democratic change in non-democratic countries and countries in transition; urges the Council to ensure that, among its other actions, any such tool complements the activities of existing instruments, in particular the EIDHR, without creating unnecessary bureaucratic structures; stresses that the EU's contribution to the EED budget must be genuinely additional and must be delivered in full conformity with financial rules, respecting the right of the budgetary authority to monitor and scrutinise;

### ***Election support***

41. Stresses the importance of a political support process not simply focused on the period immediately before and after elections, but based on continuity; welcomes the VP/HR's attention to 'deep democracy', which links democratic processes with human rights, freedom of expression and association, freedom of religion and belief, the rule of law and good governance; underlines that in this context the right to religious freedom should also be assigned a duly prominent role; points out that this right is in fact generally recognised as one of the most fundamental of all human rights;
42. Stresses again the importance of choosing priority countries for election observation missions on the basis of a mission's potential for impact on the promotion of genuine long-term democratisation;
43. Calls on the Council, the Commission and the EEAS to develop a political strategy in relation to each EU election observation mission, followed up by an assessment of democratic progress two years after the mission, to be submitted during Parliament's annual human rights debate with the VP/HR; welcomes the commitment of the VP/HR to focus in election observation on the participation of women and national minorities, as well as persons with disabilities, both as candidates and voters<sup>1</sup>;
44. Stresses the importance, at the end of each election observation mission, of drawing up realistic and achievable recommendations in cooperation with other international actors, where applicable, with the dissemination and monitoring of these recommendations to be carried out by EU Delegations; considers that Parliament's standing delegations and the joint parliamentary assemblies should play an enhanced role in following up these recommendations and analysing progress with regard to human rights and democracy; supports, therefore, the promotion of a sustainable and regular dialogue with these third country parliaments; underlines the need to improve the working methodology of European Parliament election observation delegations and to take care to enhance the skills of the participating MEPs and personnel;

### ***Human rights dialogues and consultations with third countries***

45. Stresses that participation in a structured human rights dialogue, while welcomed, is too often used as a pretext to avoid discussion of these issues at higher political levels including partner summits; calls on all EU institutions, the Member States and their embassies to make greater efforts to integrate these dialogues in all in-country EU external actions;

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<sup>1</sup> Human Rights and Democracy at the Heart of EU External Action - Towards a more effective Approach, Joint Communication, 12 December 2011

- stresses the need for transparency and genuine prior consultation of civil society organisations, as well as debriefing after the dialogues, in order to report on the results;
46. Expresses, therefore, its disappointment at the lack of progress achieved in a number of human rights dialogues (which now number over forty) and takes note of the view expressed in some quarters that, in certain cases, EU human rights consultations are being instrumentalised and have become a process rather than a means to achieve measurable, tangible results;
  47. Regrets that the post-dialogue/consultation assessments undertaken have not led to the development of clear performance indicators or benchmarks; urges that objectives be set in advance of, and evaluated immediately after, each dialogue or consultation, in a transparent manner and involving the widest possible stakeholders; stresses that the conclusions of these assessments must be fed into summit meetings and other contacts between the EU and its partners, and must inform the EU and its Member States' actions in other bi- and multilateral settings; considers that particular consideration must be given to these indicators to ensure the effectiveness of democracy and human rights clauses in all EU agreements, whatever their nature;
  48. Stresses the importance and urgency of improving the modalities and substance of these dialogues in consultation with civil society; reiterates that dialogues can be constructive and can have a real impact on the ground only if followed up with concrete steps taking account of the EU's objectives and the EU Guidelines on Human Rights Dialogues with third countries, as well as if corrective measures are put in place;
  49. Recalls that the EU should use these dialogues as an instrument to raise individual cases of human rights violations in third countries, such as cases of political prisoners and detainees, e.g. in Vietnam and China, imprisoned for the peaceful exercise of basic rights, such as freedom of expression, assembly, association and religion; calls on the EU, furthermore, to make regular use of this opportunity and follow up responses to individual cases it has raised, monitor these cases, and closely coordinate with the human rights organisations involved and other countries which have human rights dialogues with the country in question;
  50. Is disappointed to note that only a limited number of assessments have been carried out and on an irregular basis despite the Guidelines stipulation that the dialogues 'must preferably be assessed every other year'; strongly regrets that there has been no systematic involvement of the European Parliament in the assessments to date, including for Russia and China; calls for a formalisation of access for the European Parliament to these assessments and a guarantee that this will be carried out in the most open and transparent way possible; recalls that the Guidelines state that 'civil society will be involved in this assessment exercise', and considers that the implementation of this commitment requires the establishment of a concrete mechanism to that effect;
  51. Is particularly concerned at the situation in Mali since the coup d'état of 22 March 2012 and by the fact that the country is facing its 'worst humanitarian crisis in the last 20 years' as a result of the food insecurity affecting some three million people and the displacements caused by the clashes in the north of the country; calls on the European Union to make additional humanitarian aid available to address this situation; regards it as essential, further, that the European Union and its Member States should work to bring about a



peaceful resolution of the conflict, based on protection of the population groups affected, which does not involve outside interference in the country's political affairs;

52. Reiterates that women's rights should be an important part of the human rights dialogues conducted by the EU and of the EU's political dialogue with third countries with which cooperation or association agreements have been signed, in line with the human rights clauses in these agreements, and that women's participation in peaceful transitions – both at the negotiating table and in active roles – should be expanded; calls on the Commission and the Council to take all appropriate measures in the event of any violation of these provisions;
53. Regrets that, despite all the calls from Parliament and other international institutions, Mikhail Khodorkovsky was sentenced in his second politicised and administratively motivated trial in Russia, which did not comply with the principles of a fair and independent judicial system, thus strongly violating human rights;

#### ***Human rights and democracy clauses***

54. Calls for all contractual relationships with third countries, both industrialised and developing, and including sectoral agreements, trade and technical or financial aid agreements, to include clearly worded binding clauses on human rights and democracy, without exception; calls on the Commission to ensure a stricter enforcement of these clauses; reiterates the need to develop a single catalogue of human rights and democracy benchmarks for descriptive and evaluation purposes, recognised by all EU institutions; suggests that the implementation of the European Convention on Human Rights and other core international human rights conventions could constitute a viable element of such a human rights and democracy EU benchmark;
55. Asks the Commission not to be reluctant to use the suspension mechanism for standing agreements whenever the standard human rights clauses are repeatedly violated;
56. Stresses that the application of the clause as it currently stands in Free Trade Agreements (FTAs) due to come before Parliament in the near future provides an opportunity for Parliament itself to explore the potential for setting human rights benchmarks in advance of ratification, in order to achieve concrete and verifiable progress in respect for human rights; reiterates its call on the Commission to draft a new 'model clause' referring to the parties' international obligations, comprising a procedure for consultation and specifying political and legal mechanisms to be used in the event of a request for cooperation to be suspended on the grounds of repeated or systemic human rights violations in breach of international law; takes the view that the enforcement mechanism of the human rights and democracy clause, as requested by Parliament, is the only way to ensure the genuine implementation of such clauses and should be considered as a preventive and alerting mechanism, setting up a dialogue between the EU and the partner country, and to be followed up with a monitoring mechanism; recommends that a clear and gradual system of sanctions be developed, without prejudice to possible final suspension; insists strongly on the need for Parliament to be a joint decision-maker with the Commission and the Council in this respect;
57. Emphasises the need to ensure effective monitoring of the implementation of commitments made as regards respect for and promotion of human rights and democratic principles; calls for the use of impact studies on human rights and democracy, in addition to the existing

ones on sustainable development, and for the assessments and conclusions contained therein to be taken into account in negotiations and reflected in the final agreements;

58. Proposes the use of objective indicators and criteria in human rights impact studies and the assessment thereof;

### ***Trade and human rights***

59. Expects a comprehensive human rights chapter, in addition to social and environmental chapters, in all future Free Trade Agreements and, in the context of negotiations currently underway, regrets the objections to this principle expressed by some of the partners, such as India and Canada; calls for the chapter on sustainable development in agreements to be strengthened through the inclusion of a complaints procedure open to the social partners and civil society, the establishment of an independent body to settle pertinent disputes and the possibility of recourse to a dispute settlement mechanism with provision for fines and the suspension of trade benefits in the event of an aggravated breach of the environmental and labour standards concerned, equivalent to mechanisms for market access provisions; stresses that the monitoring and enforcement mechanisms of the GSP+ scheme should be further strengthened; demands that the objectives of Corporate Social Responsibility (CSR) should be binding on European companies operating in countries with institutional weaknesses;

### ***European Neighbourhood Policy (ENP)***

60. Considers that the ‘Arab Spring’ has served to demonstrate the inadequacy of the EU’s policies hitherto to effectively support people’s strong desire for democracy, respect for fundamental freedoms, justice and accountable and representative government in countries where this is denied; welcomes, therefore, the Joint Communications by the Commission and the VP/HR on ‘A new response to a changing Neighbourhood’, expressing, among other points, the need for the establishment of the European Endowment for Democracy, and ‘A partnership for democracy and shared prosperity with the Southern Mediterranean’, and the approach taken of shared commitments and mutual accountability as regards the universal values of human rights, democracy and the rule of law, stronger incentive-based conditionality, differentiation of policies, the advancing of multilateral and sub-regional cooperation and the principle of further involving civil society; stresses that the ‘Arab Spring’ would become a paradox if it were to develop in a direction that denies the fundamental human rights of women, human rights defenders, religious minorities and other societal groups in the Arab Spring countries;
61. Considers that since the ‘Arab Spring’ began, in-country NGOs and organised citizens have been playing a critical role in mobilising people and promoting their participation in public life, with the aim of informing people of their rights and empowering them to understand and embrace democracy; stresses that political priorities for future reforms will need to stem from participatory consultations with in-country NGOs and civil rights advocates;
62. Stresses the need to support democratic movements in the Eastern Neighbourhood, and welcomes the new approach to the ENP aimed at providing greater support for partners engaged in building deep and sustainable democracy and support for inclusive economic development, as well as strengthening the two regional dimensions of the European Neighbourhood Policy;

63. Supports a performance-based ‘more for more’ approach in line with the new vision of the ENP; insists that differentiation should be based on clearly defined criteria and regularly monitored benchmarks and proposes that the benchmarks laid down in the Communications be considered as objectives, to be complemented by more specific, measurable, achievable, time-bound benchmarks; calls on the EEAS and the Commission to provide a clear and adequate methodology to assess the record of the ENP countries concerning respect for and promotion of democracy and human rights, to deliver regular reports to form the basis for the allocation of funds under the ‘more for more’ approach, and to include these evaluations in the annual progress reports; stresses that the funds that are not able to be allocated or transferred due to a negative evaluation should be redistributed to other projects undertaken in European Neighbourhood partner countries, in both Southern and Eastern dimensions;
64. Emphasises the crucial importance of active civil society participation in and contribution to processes of governance and societal transformation, recognising the need to include representatives of women’s and minority groups in such processes; strongly supports greater engagement with civil society in these processes, both in terms of ever-greater outreach and a stronger emphasis on including the views of civil society in policy-making; welcomes in this respect all the EU programmes that aim at training young professionals and simplifying student exchange programmes for third country nationals as these contribute effectively to the development of civil society; underlines the need for an independent structural and financial support for civil society; considers that, as in the case of the UPR process within the UNHRC, local and international civil society actors should be involved in the Commission’s ENP progress reports by delivering separately their own assessment to be added to these reports; welcomes moves towards the establishment of the Civil Society Facility (CSF) and the European Endowment for Democracy, and calls for substantial funding for these in the forthcoming Multi-annual Financial Framework; and insists that, in future, civil society must be engaged so as to contribute directly through an institutionalised ‘civil society monitoring mechanism’;
65. Is deeply concerned that four European Neighbourhood partner countries have not signed the Optional Protocol to the UN Convention against Torture, 11 countries have not ratified it, and a further 14 have not designated the national preventive measures required; calls for urgent EU action to address this shortfall;
66. Believes that the promotion and support of non-violence reflects an international value that is an appropriate way of defending and promoting human rights from within, particularly considering that the non-violent methodology offers an effective outcome in terms of the prevention of conflict and support for democracy, rule of law and civil society around the world; proposes giving non-violence a role of relevance and political weight in the internal and external policies of the European Union with support for those initiatives that can sustain and develop non-violent and peaceful activism around the world with the dissemination of practical assistance to support non-violent activists and human rights defenders;
67. Reiterates its call on the VP/HR and the Member States to work towards a strong EU common position on the follow-up to the fact-finding mission on the Gaza conflict, publicly demanding the implementation of its recommendations and accountability for all violations of international law, regardless of the alleged perpetrator, through the conduct of independent, impartial, transparent and effective investigations; takes the view that there can be no effective Middle East peace process without accountability and justice;

### *External financial instruments, in particular the EIDHR*

68. Notes that, while there have been strong EU policy statements in favour of human rights, a dilution has been observed downstream in the programming cycle whereby human rights pledges disappear from specific instruments and country sectoral allocations; observes that unfortunately human rights and democracy have sometimes been ‘ghettoised’ into the EIDHR to the detriment of mainstreaming throughout all instruments;
69. Welcomes the Commission’s Communication on an Agenda for Change and its emphasis on the intertwined nature of the objectives of development, democracy, human rights, good governance and security; welcomes the enhanced focus on partner countries’ commitments in determining the mix of instruments and modalities at country level; simultaneously stresses the need to eliminate current and avoid future double standards; welcomes the translation of this policy into the Commission’s Communication on The Future Approach to Budget Support to Third Countries, which states that general budget support will only be provided when partner countries commit to meeting international human rights and democracy standards; calls on the Commission and the EEAS to translate this policy framework into concrete, operational, time-bound and measurable activities, mainstreamed throughout the different areas of cooperation and accompanied by the necessary strengthening of institutional frameworks and administrative capacities;
70. Strongly recommends that within the future development instruments a special focus be put on thematic programmes, as they especially address human rights issues in order to promote mutually reinforcing bridges between development and human rights;
71. Notes that, in order to maximise coherence and effectiveness, a strategic approach is needed to combining different geographic and thematic instruments to protect and promote human rights, based on a solid analysis of the local context, eliminating current and avoiding future double standards; welcomes, in this respect, the commitment given in the 12 December 2011 Joint Communication on Human Rights and Democracy at the Heart of EU External Action: Towards a More Effective Approach to take the human rights country strategies into account in the programming and implementing cycles of the EU’s assistance, and invites the VP/HR to draw up a more detailed methodology to implement this commitment;
72. Welcomes the Commission’s proposals on the instruments for external action post-2014, in particular the focus on the need to introduce simplified and flexible decision-making procedures that will allow for a swifter adoption of implementing annual action programmes and thus of delivery of assistance; values the extensive consultations being undertaken within civil society and trusts that the final documents will reflect the concerns raised by all stakeholders;
73. Welcomes the clearer definition of the objectives of the EIDHR and its updated scope which reflects the stronger focus on economic, social and cultural rights, on freedom of thought, conscience and religion or belief and on democracy support; appreciates the new possibility to directly award grants to finance actions in the most difficult conditions or situations, or to enhance support for human rights defenders and non-registered organisations;
74. Underlines the fact that Parliament’s prerogatives must be respected in the programming of the EIDHR and of the other instruments, with special emphasis on human rights and democracy; accordingly, firmly maintains that the Strategy Papers for these instruments

cannot be regarded as implementing acts and must be adopted in accordance with the procedure set out in Article 290 TFEU on delegated acts;

### ***Death penalty***

75. Welcomes the successful result of UN General Assembly resolution 65/206 of 21 December 2010 on a moratorium on the use of the death penalty, which indicates a strengthening of global support for abolition and a growing awareness among activists, judges, politicians and people in general; welcomes also the important role played by the EU in securing this victory; looks forward to a strong partnership with Member States and the EEAS on the 2012 General Assembly resolution;
76. Reiterates that the EU is opposed to the death penalty in all circumstances, and calls on the EU to continue using cooperation and diplomacy towards the abolition of the death penalty in all possible forums worldwide, in line with the EU Guidelines on the Death Penalty, and also to ensure that the right to a fair trial is fully respected for each and every person facing execution, without the use of torture and other ill-treatment used to extract confessions; in the countries where, despite the efforts of the EU and others, the death penalty is still used, calls for respect for the basic human rights of condemned people, including full access to information on their situation, at least for family and close relatives, respect for the body and the right to a proper funeral; condemning the recent executions in Belarus of Dźmitryj Kanawałau and Uładzisiałau Kawaliou, stresses that these basic rights were not respected, as the executions were carried out in secret, without the families' knowledge and without the possibility of retrieving the bodies in order to bury them in a respectful manner; recalls that the EU is the lead donor to civil society organisations which fight against the death penalty; asks the Commission to keep this cruel and inhuman punishment as a thematic priority under the EIDHR;
77. Stresses the importance for the EU to continue monitoring the conditions under which executions are carried out in those countries that still retain the death penalty, and to support legal and constitutional reform towards full and total abolition;
78. Calls on the VP/HR, the EEAS and the Commission to provide guidance on a comprehensive policy with regard to EU citizens facing execution in third countries, including strong mechanisms regarding identification, delivery of legal assistance and EU legal intervention;
79. Welcomes the Commission's decision of 20 December 2011 to amend Regulation (EC) No 1236/2005 and thereby tighten export controls on certain drugs that can be used for executions and equipment that can be used for torture; calls on the Commission to tackle the remaining loopholes in the regulation by introducing an end-use catch-all clause that would prohibit the export of any drug that could be used for torture or executions;

### ***Arms Control***

80. Notes that 60% of all individual cases of human rights violations and abuses both within and outside of armed conflict documented by Amnesty International have directly involved the use of small arms and light weapons; recognizes the particularly serious impact of small arms and light weapons on the enjoyment of children's rights and children's protection from violence; commends the global leadership shown by the EU in adopting a legally binding common position on arms exports in 2008, but notes the need for further monitoring its

implementation at EU level; urges the EU to show leadership in the process to achieve an international Arms Trade Treaty at this year's UN Conference and to ensure that a robust, legally binding treaty is agreed;

81. Expresses deep concerns about the use of children as soldiers; calls for immediate steps to be taken by the EU for their disarmament, rehabilitation and reintegration as a core element in the EU policies that aim at strengthening human rights, child protection and the replacement of violence with political conflict resolution mechanisms;

#### ***Torture and other cruel, inhuman and degrading treatment or punishment***

82. Calls on all Member States which have not yet done so to ratify the Optional Protocol to the UN Convention against Torture, so as to enhance the consistency of internal and external policies;
83. Calls on all Member States, the VP/HR and the EEAS to actively intervene on the issue of the human rights of detainees and to address the overpopulation of prisons in and outside the EU;
84. Underlines the importance of recognising gender-specific forms of torture and degrading forms of treatment (including female genital mutilation (FGM) and rape) and insists that the EU's coordinated efforts to counter torture adequately address the gender dimension;
85. Calls again on the Commission to insert into Council Regulation (EC) No 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, a 'torture end-use' clause, enabling Member States, on the basis of prior information, to license and thus refuse the export of any items which pose a substantial risk of being used to these ends by their destined end-users;
86. Recalls the tragic case of Sergey Magnitsky, who was fighting against high-ranking corruption and was tortured to death by officials; regrets that the case is still not solved and that those responsible for Sergey Magnitsky's death have not been punished; urges the Russian judicial authorities to resume the investigation and to name and punish the guilty;

#### ***Human rights defenders***

87. Welcomes the EU's political commitment to supporting human rights defenders, as a long-established component of the EU's human rights external relations policy, and the many positive examples of demarches, trial observations, prison visits, and other concrete actions undertaken by EU missions and delegations, such as regular, institutionalised meetings with human rights defenders, but remains concerned at the lack of implementation of the EU Guidelines on Human Rights Defenders in some third countries; considers that the VP/HR should make recommendations for enhanced action to those missions where implementation has been noticeably weak;
88. Urges the EU and its Member States to encourage EU missions and delegations to show their support and solidarity for the work undertaken by human rights defenders and their organisations, by regularly meeting and proactively engaging with them and incorporating their contributions into the development of the specific country strategies on human rights and democracy, and regularly engaging with Parliament;

89. Reiterates its call on the EU to systematically raise individual cases of human rights defenders in the ongoing human rights dialogues it has with those third countries where human rights defenders continue to suffer harassment and attacks;
90. Stresses the importance of systematic follow up to contacts with independent civil society, as well as more direct and easier access for human rights defenders to EU Delegations in third countries; welcomes the appointment of liaison officers, in the Delegations and/or in Member State embassies, for human rights defenders, and stresses that these should be experienced and appropriately trained officials whose functions are well-publicised both internally and externally; very much welcomes the fact that the VP/HR has indicated that she will always meet with human rights defenders in the course of her visits to third countries and calls for this practice to be followed by all Commissioners with responsibilities in the external relations field, and for reports on these contacts to be made available to Parliament;
91. Recalls its resolution of 25 November 2010 on the situation in Western Sahara; condemns the ongoing repression of Sahrawi people in the occupied territories and calls for their fundamental rights, including freedom of association, freedom of expression and the right to demonstrate, to be respected; calls for the release of the 80 Sahrawi political prisoners and, as a matter of priority, of the 23 who have been held without trial in Salé prison following the dismantling of the Gdeim Izik camp; reiterates its call for the establishment of an international mechanism to monitor human rights in the Western Sahara and for a fair and lasting settlement of the conflict on the basis of the right to self-determination of the Sahrawi people, in accordance with the relevant United Nations resolutions;
92. Reiterates its call for greater inter-institutional cooperation on human rights defenders; considers that the EU's response capacity and the coherence between the actions of the different institutions on urgent crises for human rights defenders would be well served by a shared alert system based on focal points, and encourages the EEAS and the Commission to explore this avenue further with the European Parliament;
93. Welcomes the commitment made by the European Parliament to enhance the role of the Sakharov Prize and to strengthen the Sakharov Network, and stresses the important role of this network in, among other things, animating inter-institutional co-operation in support of human rights defenders worldwide; calls on all EU institutions to exercise greater involvement and co-operation and, in this context, welcomes the reference to the Sakharov Prize in the Annual Report on Human Rights; repeats, however, its call on the Council and Commission to maintain contact with the Sakharov Prize candidates and laureates to ensure a continuing dialogue and monitoring of the human rights situation in their respective countries, to offer protection to those being actively persecuted, and to report back on this to the European Parliament;
94. Undertakes to include women's rights more systematically in its own human rights debates and resolutions and to use the Sakharov Prize network, and especially female winners of the Prize, to advocate women's rights in the world;

### ***Women and human rights***

95. Highlights the distinctive roles, experiences and contributions of women in the context of peace and security; condemns the use of sexual violence in countries such as the Democratic Republic of Congo (DRC), and calls for zero tolerance for its perpetrators,

particularly among military and police forces in EU-mandated missions and operations; and stresses the importance of ensuring victims access to multi-disciplinary holistic rehabilitation services that include any necessary combination of medical and psychological care as well as legal, social, communal, vocational, educational services, and interim economic support;

96. Welcomes the fact that the EU is a front-runner in the implementation of UNSCR 1325 and accompanying resolutions; urges the Council, the Commission and the EEAS to step up efforts to bridge the gap between policy and practice, and urges Member States which have not yet adopted National Action Plans to do so as a matter of urgency;
97. Welcomes the creation of UN Women, and calls on the EU to work closely with the institution at international, regional and national level to enforce women's rights; calls on the Commission and the Council to ensure that women in conflict situations have fair access to public healthcare systems and adequate gynaecological and obstetric care as defined by the World Health Organisation; stresses in particular the need to promote health education and appropriate programmes for sexual and reproductive health, which are a prominent part of the EU's development and human rights policy towards third countries;
98. Welcomes the Commission's Women's Charter, which promotes gender equality at both EU and international level, and the EU Plan of Action on Gender Equality and Women's Empowerment in Development for the period 2010-2015, and calls for efforts to achieve the MDG on gender equality and maternal health to be stepped up;
99. Is concerned that, in Egypt, the Supreme Council of the Armed Forces (SCAF) has failed to conduct an investigation into reports of sexual assault of female protesters, including the so-called 'virginity checks' and death threats against female protesters;
100. Welcomes the emphasis put on women's empowerment by the VP/HR and calls on her to institutionalise the EU Inter-institutional Informal Task Force on Women, Peace and Security (WPS) by providing it with a full-time chair, who will also act as the gender focal point in the EEAS, as part of allocating adequate human and financial resources to its task;
101. Calls on the VP/HR to promote equal geographically and gender-balanced opportunities in the EEAS, as set out in the Staff Regulations; urges the VP/HR and the Member States to propose high-level women candidates for leadership functions in the EEAS and Common Security and Defence Policy (CSDP) missions; welcomes the progress made in the context of CSDP missions in the appointment of Gender Advisors in almost all missions and in providing in-mission training; calls on the Council to include a reference to UNSCR 1325 in Council decisions establishing mission mandates; recommends that Member States provide all military and seconded civilian staff with standardised gender training modules prior to the missions;
102. Welcomes the adoption of the landmark Convention by the Council of Europe on preventing and combating violence against women and domestic violence, creating a comprehensive framework to prevent violence, protect victims and end impunity, and calls on all Member States and the EU to quickly sign and ratify this Convention;
103. Strongly condemns female genital mutilation (FGM) as an anachronistic practice and a barbarian breach of the physical bodily integrity of women and girls, which must be combated with legislation banning the practice; firmly rejects any reference to cultural,



traditional or religious practice as a mitigating factor; urges the Commission to pay specific attention to such traditional harmful practices in its strategy to combat violence against women; and calls on the EEAS to develop a specific toolkit on this issue as part of its implementation strategy of the EU Guidelines on children's rights and violence against women; congratulates African Heads of State for adopting, at the African Union Summit in July 2011, a Decision in support of a UNGA resolution banning FGM worldwide; also condemns and calls for specific measures to counter cruel, inhuman and degrading treatment such as forced abortion and forced sterilisation;

104. Strongly condemns forced marriage, a violation of human rights as set out in Article 16 of the Universal Declaration of Human Rights; calls on the Council to include the issues of 'forced marriages' and of "gender-selected" abortion in the EU guidelines on violence against women and girls; encourages the Commission and the Council to develop data-gathering methods and indicators on these phenomena, and encourages the EEAS to include these issues in the development and implementation of the human rights country strategies; on the issue of 'forced marriages', requests that Member States adopt and enforce legislation banning forced marriage and develop a common definition, the establishment of national action plans, and the exchange of good practices;

105. Recalls that the UN Human Rights Council resolution on preventable maternal mortality and morbidity and human rights and the Millennium Development Goals reaffirm that access to information, to education and to health care are basic human rights; stresses that the EU should therefore play an important role in ensuring that women do not die in pregnancy; calls for the Cairo Programme of Action to be implemented in its human rights and development policy aspects, to promote gender equality and women's and children's rights, including sexual and reproductive health and rights;

#### ***Human rights, freedom of religion, and the persecution of Christians in the world***

106. Condemns severely any persecution based on religion or belief; remains committed to the realisation of freedom of religion in all parts of the world as part of enhanced EU efforts in its bilateral and multilateral action; restates its concern regarding full and effective respect for the right to freedom of religion for all religious minorities in a number of third countries; reiterates its call on the Council and Commission to urgently develop a toolkit on the advancement of the right to freedom of religion or belief in the EU's external policy, including mechanisms to identify infringements and actions that the EU should undertake in these cases, and to involve Parliament, civil society organisations, and academics in its preparation; welcomes the EU's action in various UN forums against intolerance and discrimination based on religion or belief and its unwavering and principled stance against the resolutions on combating defamation of religions; maintains that freedom of assembly is a vital aspect of the right to freedom of religion or belief, and stresses that registration of religious groups should not be a prerequisite for practising one's faith; calls on the EU Fundamental Rights Agency to provide Parliament with accurate and reliable data on infringements of freedom of religion or belief in the European Union, and to advise as to how these could be tackled;

107. Stresses in particular the importance of engaging in a constructive dialogue with the Organisation of the Islamic Conference (OIC) on this issue; calls on the Council and the Commission to pay special attention to implementing the right to freedom of religion or belief in candidate and ENP countries, especially in the light of the Arab Spring; expresses

its profound concern about the increasing number of acts of religious intolerance and discrimination in various countries; strongly condemns all acts of violence against Christian, Jewish, Muslim and other religious communities, as well as all forms of discrimination and intolerance based on religion and belief against religious people, apostates and non-believers; stresses once again that the right to freedom of thought, conscience and religion is a fundamental human right<sup>1</sup>; recognises the growing need in a number of countries for conflict transformation and reconciliatory efforts, including inter-faith dialogue at various levels, and urges the EU and VP/HR Ashton to address discriminatory and inflammatory content, e.g. in the media, and the issue of obstacles to the free profession of faith in its/her dialogues with third countries in the context of EU initiatives on human rights; considers that in third countries where religious minorities are faced with violations of their rights, such problems cannot be solved by protecting and isolating them 'from' the surrounding societies and thus creating 'parallel societies'; urges the EEAS and the EU Member States, in the light of recent events in countries such as Nigeria, Egypt and Indonesia, to put in place concrete actions to help prevent the emergence of a cycle of violence;

108. Urges the EEAS to develop a permanent capacity within the Global and Multilateral Directorate-General to mainstream the issue of freedom of religion or belief across the geographical directorates and units, as well as linking the issue into general human rights promotion within the same DG and advancing the issue in international and multilateral organisations; encourages the EEAS to report on an annual basis on progress on freedom of religion or belief in the world;
109. Invites the EEAS and other EU institutions to combat unacceptable practices such as forced conversions and the criminalisation/punishment for cases of so-called 'apostasy', applying pressure on third countries, such as Pakistan, Iran and Saudi Arabia that still carry out such practices, so that the practices are eliminated; calls for an equally firm stance against the instrumentalisation of blasphemy laws for the purpose of persecuting members of religious minorities;
110. Calls on the competent institutions to closely cooperate with the US Commission on International Religious Freedom in bilateral and multilateral fora, e.g. the UN Human Rights Council;

### ***Discrimination***

111. Condemns all forms of human rights violations committed against people discriminated against on the basis of work and descent, and the limited access to justice for victims; calls on the EU and its Member States to endorse the draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent;
112. Welcomes the conclusion by the EU of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), and the adoption of the European Disability Strategy 2010-2020, in particular area of action 8; condemns all forms of discrimination based on disability, and calls for all states to ratify and implement the UNCRPD; points out that the EU also needs to monitor the implementation of the UNCRPD on its own territory; regrets the EU's inaction on human rights for persons with disabilities in the context of the EU-Africa Strategy;

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<sup>1</sup> Texts adopted, P7\_TA(2010)0489.

113. Commends the Council, the EEAS, the VP/HR, the Commission and the Member States on their engagement in favour of LGBT people's human rights in bilateral relations with third countries, in multilateral forums, and through the EIDHR; welcomes the reintroduction by the UN General Assembly of sexual orientation as grounds for protection from extrajudicial, summary or arbitrary execution, and welcomes the EU's efforts to this end; calls on the Commission to advocate the withdrawal of gender identity from the list of mental and behavioural disorders in the negotiations on the 11th version of the International Classification of Diseases (ICD-11) and to seek a non-pathologising reclassification; reasserts that the principle of non-discrimination, also embracing grounds of sex and sexual orientation, must not be compromised in the ACP-EU partnership; reiterates its request that the Commission produce a comprehensive roadmap against homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity, also addressing human rights violations on these grounds in the world; calls on the Member States to grant asylum to people fleeing persecution in countries where LGBT people are criminalised, taking into consideration applicants' well founded fears of persecution, and relying on their self-identification as lesbian, gay, bisexual or transgender;
114. Welcomes the 'toolkit' adopted by the Council's working party on human rights in 2010 with the aim of helping the EU institutions, the Member States, the delegations and other bodies to react swiftly when the human rights of LGBT people are violated; calls on the Commission to address the structural causes of such violations, and on the Council to work towards binding guidelines in this area;
115. Emphasises that traditional national minority communities have specific needs, which are different from other minority groups, and that there is a need to safeguard equal treatment of these minorities with regard to education, healthcare, social services and other public services; points also to the need to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority;
116. Calls on the EU to encourage the governments of developing countries to commit to land reform in order to secure the land titles of indigenous people, nomadic populations and small and medium-scale farmers, especially women, and to prevent land-grabbing practices by corporations; urges the EU to assert the right of access to natural resources, in particular for native and indigenous peoples, in the negotiation of trade agreements; encourages all Member States to follow the example of Denmark, the Netherlands and Spain and ratify ILO Convention 169 on Indigenous and Tribal peoples, in order to show their determination to provide them with tangible protection; supports current and ongoing campaigns for the ratification and implementation of ILO Convention 169 by non-signatory states, as a means of demonstrating, among other things, the EU's commitment to multilateralism and the United Nations;
117. Recommends initiatives for EU legislation to ensure that attention is paid in EU human rights policy and cooperation instruments to eliminating caste discrimination, and action in caste-affected countries, including Nepal, India, Bangladesh, Pakistan, Sri Lanka and Yemen;
118. Believes that new and existing funding lines for support to civil society and human rights defenders, particularly from indigenous communities, should have their budget increased; considers that they should also both demonstrate their ability to respond flexibly and

speedily to crisis events and ongoing situations wherever they may be and optimise their value for money and impact; welcomes the fact that EU has been very supportive of capacity-building activities for indigenous peoples at the UN; stresses that enhancing indigenous representatives' efficiency during UN events is essential, by supporting adequate logistics, documentation and information; calls on the EU to continue its support;

### ***Children's rights***

119. Recalls the UN Convention on the Rights of the Child and the need to ensure the fullest protection of the rights enshrined therein and to prevent these rights from being eroded; welcomes the UNGA's adoption, on 19 December 2011, of the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, and calls on the Council and the Commission to accelerate efforts to achieve universal ratification of the Convention on the Rights of the Child and its Optional Protocols and to promote their effective implementation; calls, too, for decisive efforts to advance implementation of the EU Guidelines on the Promotion and Protection of the Rights of the Child and the EU's Strategy to combat All Forms of Violence against Children; calls on the VP/HR and the European External Action Service to include in EU Annual Reports on Human Rights a section on children's rights;
120. Draws attention to the serious problem that exists in several countries in sub-Saharan Africa of children being accused of witchcraft, resulting in grave consequences ranging from social exclusion to infanticide, and to the ritual murder of children as sacrifices; notes that the State has a responsibility to protect children from all forms of violence and abuse and, consequently, urges the EEAS to pay particular attention to the protection of children from all forms of violence and to the fate of these children in the human rights dialogues with the governments of the countries concerned and in the programming of the external financial instruments;

### ***Freedom of expression and (social) media***

121. Stresses that freedom of expression and media independence and pluralism are essential elements of a sustainable democracy, maximising the involvement of civil society and empowering citizens; calls therefore for increased support in the areas of promoting the freedom of media, protecting independent journalists, reducing the digital divide and facilitating internet access;
122. Urges the Council and the Commission to include, in accession negotiations, human rights dialogues and, in any contact regarding human rights, a call to end any hate speech in the media;
123. Notes that the internet, together with the social media, both offline and online, have become some of the most important vehicles through which individuals exercise their right to freedom of opinion and expression, and that they have played a crucial role in promoting human rights, democratic participation, accountability, transparency and economic development and new forms of public access; stresses at the same time, bearing in mind that not all parts of society, in particular the elderly and rural populations, have access to the internet, that human dignity must not come under attack, and condemns any other form of discrimination occurring in the social media; supports specific EU regulations and agreements with third countries that restrict access to communication and information through censorship, the shutting down of networks or the subordination of freedom of

information to commercial interests; welcomes the potential shown by the internet and social networking in the Arab Spring developments; calls for increased monitoring of the use of the internet and new technologies in autocratic regimes that seek to limit them; calls for increased support in the areas of promoting the freedom of media, protecting independent journalists and bloggers, reducing the digital divide and facilitating unrestricted access to information and communication and uncensored access to the internet (digital freedom);

124. Notes the potential shown by the internet in promoting and supporting the revolutions of the ‘Arab Spring’; notes, however, that ICTs can also be misused to violate human rights and fundamental freedoms and calls, therefore, for increased monitoring of the use of the internet and new technologies in autocratic regimes that seek to limit them; welcomes the Commission initiative on the ‘No Disconnection Strategy’; invites the Commission to submit, during the course of 2013 at the latest, smart regulatory proposals, including increased transparency and accountability for EU-based companies, in order to improve the monitoring of the export of products and services aimed at blocking websites, mass surveillance, monitoring all internet traffic and (mobile) communications, breaking into private conversations and transcribing them, filtering search results, and intimidating internet users including human rights defenders; believes telecommunications and internet service providers must learn the lessons of past mistakes, such as Vodafone’s decision to give in to demands from the Egyptian authorities in the last weeks of the Mubarak regime to suspend services, to disseminate pro-government propaganda and to monitor opponents and the population in general as well as the societies of other Member States who have sold telecommunications technologies and information to other third countries such as Libya, Tunisia etc; believes telecommunications and internet service providers and software developers must learn the lessons of past mistakes, and should engage with policymakers, NGOs and activists in an open dialogue in order to set common minimum standards for human rights impact assessments and increased transparency;

125. Welcomes the inclusion of a ban on the export of technologies and services in the EU’s restrictive measures against the governing authorities in Syria; notes that this ban should become a precedent for future restrictive measures against other repressive regimes, in particular vis-à-vis Iran; notes, however, that EU policies should be precise in order to be effective and not to hurt human rights defenders;

126. Notes that new technologies also allow witnesses and human rights defenders to collect information and share documentation of human rights abuses which may later be used to secure justice for victims; welcomes multi-stakeholder initiatives and codes of conduct such as the Global Network Initiative; notes however that democratic oversight and the defence and promotion of fundamental rights are core tasks of government; calls on the Commission to support the development and dissemination of digital security technologies to empower human rights defenders through secure collection, encryption and storage mechanisms for such sensitive records and the use of ‘cloud’ technology to ensure such material cannot be discovered and deleted;

### ***Business and human rights***

127. Recalls that the EU has set itself the objective of promoting Corporate Social Responsibility (CSR) in its external policies and welcomes the call to better align European and global approaches to CSR;

128. Calls on the Commission and the Member States to check that companies which come under national or European law do not disregard the human rights and social, health and environmental standards they are subject to when moving to or carrying out their activities in a third country;
129. Recalls, furthermore, that support for human rights and democracy is closely linked with the promotion of transparency and good governance; takes the view, in this regard, that tax havens and offshore jurisdictions play a detrimental role in the fight against corruption and political accountability in developing countries; demands that the EU foster the ratification and implementation of the UN Convention Against Corruption in the EU and worldwide in the context of EU support for good governance programmes in third countries;
130. Commends the EU for its support for the development of UN Guiding Principles on Business and Human Rights and their unanimous adoption in the Human Rights Council; welcomes the inaugural meeting of the Working Group on Business and Human Rights held on 16 – 20 January 2012, and calls for the EU to further support and contribute to the mandate of this body; stresses the crucial role of the national human rights institutions and the cooperation of those bodies in the EU and Neighbourhood Countries in taking forward the implementation of the UN Guiding Principles on Business and Human Rights as recognised in, among other places, UN Human Rights Council Resolution 17/4; welcomes initiatives aimed at transferring good practice, coordinating and animating cooperation between the EU and Neighbourhood national human rights institutions, such as the programme for cooperation between Ombudsmen from Eastern Partnership countries 2009-2013 that was jointly set up by the Polish and French Ombudsmen with a view to enhancing the capacity of Ombudsmen's offices, government bodies and non-governmental organisations in Eastern Partnership countries to protect individual rights and build democratic states based on the rule of law; stresses the need for such action to be coordinated within the EU and for the EU institutions to draw on the experience gained in connection therewith;
131. Welcomes the EU commitment to work with enterprises and stakeholders in 2012 to develop human rights guidance for industrial sectors and SMEs, based on the UN Guiding Principles; calls on the Commission to bring forward its commitment to publish, by the end of 2012, a report on EU priorities in the implementation of the Principles, and thereafter to issue periodic progress reports; insists that all European enterprises should meet the corporate responsibility to respect human rights, as defined in the UN Guiding Principles; calls on EU Member States to develop, by the end of 2012, national plans for their implementation;
132. Believes that disclosure by large companies of social and environmental information, including human rights impacts, is vital to transparency and to these companies' effectiveness; welcomes the aim of the International Integrated Reporting Council (IIRC) to develop a globally accepted integrated reporting framework;
133. Welcomes the 'Edinburgh' study commissioned by DG Enterprise on governance gaps in the EU on business and human rights, and calls on the Commission to bring forward legislative proposals in response; calls in particular on the EU to ensure that victims of corporate abuses in third countries by EU companies have access to grievance and justice mechanisms in EU Member States, such as in the recent Trafigura case;

134. Takes note of the fact that transnational corporations increasingly rely on private military and security companies (PMSCs), which on occasion has given rise to human rights violations perpetrated by PMSC employees; considers that the adoption of EU regulatory measures, including a comprehensive normative system for the establishment, registration, licensing, monitoring and reporting by such companies, is necessary; calls on the Commission to propose a Recommendation paving the way for a directive aimed at harmonising national measures regulating PMSC services, including service providers and the procurement of services, and the drafting of a Code of Conduct paving the way for a Decision regulating the export of PMSC services to third states; calls for detailed information to be provided by the VP/HR to Parliament on the hiring of PMSCs on CSDP and Common Foreign and Security Policy (CFSP) missions, specifying professional requirements and corporate standards demanded of contractors, applicable regulations, legal responsibilities and obligations imposed upon them and monitoring mechanisms;
135. Supports the increasing promotion of women onto executive boards at national, European and international levels;

### ***Enhancing the European Parliament's actions on human rights***

136. Reiterates its appeal to the Council and the Commission to systematically take up Parliament's resolutions and other communications, responding in a substantive manner; proposes that Parliament consider establishing a systematic mechanism to ensure a more effective and tangible follow-up to its decisions;
137. Recognises the need for human rights concerns to be mainstreamed through the work of all parliamentary committees and delegations dealing with external relations, including applying the recommendations made in reports prepared by ad hoc Working Groups of the European Parliament; recommends that Members of the European Parliament systematically meet with human rights defenders during official missions to third countries, including with imprisoned activists wherever possible, to provide the latter with greater visibility; welcomes the decision to augment the resources available to the Subcommittee on Human Rights in the light of the changes arising from the Treaty of Lisbon;
138. Welcomes the decision taken by its Bureau on 12 December 2011 to set up a Directorate for Democracy Support within the DG for External Policies to streamline and give coherence to Parliament's work on democracy promotion;

### ***The European Union's strategic human rights policy***

#### *General*

139. Warmly welcomes the review of the EU's human rights and democratisation policy, outlined in the Joint Communication of 12 December 2011, as a positive overview of EU potential; calls on EU Member States to fully engage in the process and apply its outcome in their national actions as well as at European level;
140. Supports the fact that the Communication is anchored in the concepts of the universality and indivisibility of human rights and that the Communication centres EU action on promoting adherence to third countries' existing commitments and obligations under international human rights and humanitarian law and seeks to strengthen the system of international justice;

141. Acknowledges, in the wake of the Arab Spring, the focus on ‘bottom up’ tailor-made approaches and the need to move respect for human rights to the centre of EU foreign policy; therefore stresses that the EU needs to support and involve the governments, parliaments and civil society in the process of respecting and monitoring human rights; considers that the EU must learn from past mistakes epitomised by the fact that right up to the outbreak of civil war in Libya, negotiations were underway on a framework agreement and a readmission agreement with Libya, about which the European Parliament was not adequately informed, despite evidence of the murder of 1 200 prisoners over a decade before and a litany of torture, enforced disappearances and extrajudicial executions; at the same time reiterates the fact that the EU’s partnership in democratisation processes and economic prosperity in the South needs to run in parallel with its engagements in the Eastern neighbourhood; stresses that the funds that could not be allocated or transferred to the European Neighbourhood countries due to a negative evaluation, should be redistributed to other projects taking place in European Neighbourhood partner countries both in Southern and Eastern dimension;

#### *Process*

142. Calls now for swift, transparent and inclusive progress to be made towards an ambitious final EU common strategy with clear actions, timetables and responsibilities and developed with full stakeholder input to put the ‘silver thread’ into action; commits to contribute positively along with the Council to this inter-institutional process, initially through this resolution and then through a later parliamentary resolution; considers that this process should conclude with the institutions coming together to adopt a common strategy which clearly delineates each institution’s role and responsibilities and which continuously evaluates implementation, including in relation to the guidelines;

143. Considers that certain actions raised within the Communication should be advanced in parallel to the progress towards an overarching strategy, namely the appointment of an EU Special Representative on Human Rights with a high public profile and international experience in the promotion of international human rights; the establishment of a permanent Brussels-based COHOM which should routinely agree conclusions on the human rights situation in specific countries following Human Rights Dialogues; and the setting of a timetable for the completion of EU Delegation human rights focal points and for the identification of human rights defender liaison officers in all third countries;

#### *Content*

144. Welcomes the importance given to Human Rights Country Strategies in the Communication; believes there should be a common initial template to ensure a level of consistency and that consultation be required in all cases; stresses that the potential value of the strategies will only be fulfilled if their importance is recognised across the spectrum of bilateral relations with the individual countries and if they are flexible enough to react consistently to evolving human rights situations;

145. Supports the VP/HR’s personal proposal for three themes for specific collective action by institutions over the coming three years; seeks clear criteria for the current and future process by which such themes are chosen; seeks clarification on how these campaigns would enable progress in specific areas without prejudicing the EU’s comprehensive commitment to all human rights obligations;



146. Stresses the importance given within the review to civil society as a genuine partner in the implementation of the EU's human rights strategy and not simply in delivering projects; recognises the particular importance of human rights defenders in this process; calls on the EU to recognise the full potential of the range of local actors to bring about human rights changes within a country and to provide a broad base of support for their work;
147. Is more specifically concerned by the deterioration of the situation in Turkey and the increasing repression faced by human rights defenders and government opponents, including elected representatives, trade unionists, journalists, artists and, in particular, against the Kurdish community;
148. Supports the EU concept of 'deep democracy' developed by the High Representative; regrets that non-discrimination and gender equality criteria are not included within this concept; urges the EEAS to fully integrate anti-discrimination measures and benchmarks to ensure there is a clear focus on the issue of the rights of women and minorities, equal citizenship and equal political participation;
149. Points out that major challenges persist with regard to the inadequacy of existing Human Rights Dialogues and to the monitoring and implementation of human rights clauses; reaffirms that these clauses must also be included in all trade and sectoral agreements;
150. Shares the view that 'digital diplomacy' is a new and vibrant tool; calls on the EEAS to develop clear guidelines for its delegations on how best to utilise social media, and for the development of a regularly updated social media directory for EU actors;
151. Notes that just under half of the world's 100 largest economic actors today are private companies; congratulates the Commission on its ambitious and forward-looking 2011 Communication on CSR and its clear support for the development of the UN Guiding Principles on Business and Human Rights, both of which must be at the core of the new strategy;
152. Recognises that the Communication accepts the need for all counter-terrorism activities to be carried out in full compliance with international human rights, humanitarian and refugee law; stresses that this principle must form part of discussions on all new counter-terrorism measures within the EU and with partners in third countries; believes that the EU must consistently raise with strategic partners all examples of non-compliant counter-terrorism measures and seek accountability for violations both within and outside the EU; reaffirms that the EU counter-terrorism policy should specifically reference the absolute prohibition of torture in the context of counter-terrorism, as recognised in the Council conclusions of 29 April 2008;
153. Applauds the recognition of the need to address human rights violations within Member States and to ensure the EU's compliance with its international obligations to cement EU credibility; calls on the Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons (FREMP) to be given a full mandate to examine where there are violations and to seek remedies;
154. Considers the fight against impunity to be an area for priority EU action; considers the updating of the EU's instruments on the ICC in 2011 to be a considerable advancement which must be reflected in a forward-looking EU human rights strategy;

155. Considers it part of building a real culture of human rights and democracy, particularly through education for democratic citizenship and human rights, that there also be a clear review of the role played by geographical desk officers and Council working groups and what this strategy means for their day-to-day work;

156. Calls for a dramatically increased role for the European Parliament itself in promoting transparency and accountability for implementation of the EU human rights strategy; reiterates that the Annual Report produced by the Council does not in itself amount to an accountability mechanism; reiterates the recommendations on mainstreaming made by Parliament in its previous Annual Reports, and in the Political and Security Committee (PSC) paper of 1 June 2006 on mainstreaming human rights across CFSP and other EU policies, which have still not been fully implemented;

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157. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the governments and parliaments of the Member States and the candidate countries, the United Nations, the Council of Europe and the governments of the countries and territories referred to in this resolution.

## **Negotiations of the EU-Azerbaijan Association Agreement**

**European Parliament resolution of 18 April 2012 containing the European Parliament's recommendations to the Council, the Commission and the European External Action Service on the negotiations of the EU-Azerbaijan Association Agreement (2011/2316(INI))**

*The European Parliament,*

- having regard to the ongoing negotiations between the EU and Azerbaijan on the Association Agreement,
- having regard to the Council Conclusions of 10 May 2010 on Azerbaijan, which adopted the negotiating directives,
- having regard to the Partnership and Cooperation Agreement (PCA) between Azerbaijan and the European Union, which entered into force on 1 July 1999,
- having regard to the European Neighbourhood Policy (ENP) Action Plan adopted on 14 November 2006,
- having regard to the Declaration signed by the Presidents of Armenia, Azerbaijan and the Russian Federation on 2 November 2008 in Moscow,
- having regard to the joint Declaration signed by the Presidents of Armenia, Azerbaijan and the Russian Federation on 23 January 2012 in Sochi,
- having regard to the Joint Declaration issued by the Eastern Partnership Summit held in Prague on 7 May 2009,
- having regard to the Foreign Affairs Council conclusions of 25 October 2010 on the Eastern Partnership,
- having regard to the Joint Declaration on the Southern Gas Corridor signed by the President of Azerbaijan and the President of the Commission on 13 January 2011,
- having regard to the Joint Declaration issued by the Eastern Partnership Summit held in Warsaw on 29-30 September 2011,
- having regard to the Constituent Act of the EU-Neighbourhood East Parliamentary Assembly (EURONEST) of 3 May 2011,
- having regard to the statements by High Representative Catherine Ashton on the human rights situation in Azerbaijan of 20 May, 27 May and 12 October 2011,
- having regard to its resolutions on Azerbaijan, in particular that of 12 May 2011<sup>1</sup>,
- having regard to the OSCE/ODIHR final report on the parliamentary elections of 7

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<sup>1</sup> Texts adopted, P7\_TA(2011)0243.

November 2010,

- having regard to the opinion on the compatibility with human rights standards of the legislation on non-governmental organisations of the Republic of Azerbaijan adopted by the Venice Commission of the Council of Europe on 14-15 October 2011,
  - having regard to the opinion on the draft law on amendments to the law on political parties of the Republic of Azerbaijan adopted by the Venice Commission of the Council of Europe on 16-17 December 2011,
  - having regard to its resolution of 20 May 2010 on the need for an EU Strategy for the South Caucasus<sup>1</sup>,
  - having regard to its resolutions of 20 January 2011 on an EU Strategy for the Black Sea<sup>2</sup> and of 17 January 2008 on a Black Sea Regional Policy Approach<sup>3</sup>,
  - having regard to the Joint Communication on ‘A new response to a changing Neighbourhood’ of 25 May 2011,
  - having regard to its resolutions on the review of the European Neighbourhood Policy adopted on 7 April 2011<sup>4</sup> (Eastern Dimension) and 14 December 2011<sup>5</sup>,
  - having regard to the Commission Progress Report on Azerbaijan adopted on 25 May 2011,
  - having regard to Council Decision 2011/518/CFSP of 25 August 2011 appointing the European Union Special Representative for the South Caucasus and the crisis in Georgia<sup>6</sup>,
  - having regard to Special Report No 13/2010 of the European Court of Auditors concerning the results of the European Neighbourhood and Partnership Instrument (ENPI) in the Southern Caucasus,
  - having regard to a new National Action Programme on increasing the effectiveness of the protection of human rights and freedoms in the Republic of Azerbaijan approved by the President of the country on 27 December 2011,
  - having regard to the Pardon Decree signed by the President of Azerbaijan on 26 December 2011,
  - having regard to Rules 90(4) and 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs (A7-0071/2012),
- A. whereas Azerbaijan plays an important role in the context of the European Union’s Eastern Partnership, and whereas the level of economic growth which Azerbaijan has experienced in the last few years has been noteworthy;

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<sup>1</sup> OJ C 161 E, 31.5.2011, p. 136.

<sup>2</sup> Texts adopted, P7\_TA(2011)0025.

<sup>3</sup> OJ C 41 E, 19.2.2009, p. 64.

<sup>4</sup> Texts adopted, P7\_TA(2011)0153.

<sup>5</sup> Texts adopted, P7\_TA(2011)0576.

<sup>6</sup> OJ L 221, 27.8.2011, p. 5.

- B. whereas the Eastern Partnership strengthens the multilateral relations between the countries involved, contributes to the exchange of information and experience on the issues of transformation, reform and modernisation, and provides the European Union with additional instruments to support these processes;
- C. whereas the Eastern Partnership provides the political framework for strengthening bilateral relations by means of new association agreements, taking into account the specific situation, mutual benefits and the ambitions of the EU and partner country and the EU's strategic interest in the stability and democratic development of the region;
- D. whereas parliamentary cooperation, within the framework of the European Eastern Partnership and bilaterally, is a key element in developing advanced political cooperation between the EU and Azerbaijan;
- E. whereas Azerbaijan has become an important energy supplier for the EU as well as an important transit country for energy resources from Central Asia in particular, and whereas the EU is a major energy market for Azerbaijan; whereas there has been good progress in the field of energy cooperation, which includes Azerbaijan's support to the Southern Gas Corridor;
- F. whereas Azerbaijan plays a positive role in the framework of the ENP and contributes to the solution of the EU's energy security problems;
- G. whereas association agreements constitute the appropriate framework to deepen relations, by enhancing political association, economic integration and legal approximation with the EU and developing cultural relations, thus having an important impact on the democratisation process;
- H. whereas, in this respect, the multilateral dimension of the Eastern Partnership is complementary and inseparable from its bilateral dimension and should develop simultaneously with the ongoing negotiation of association agreements in order to pave the way for their full implementation and lay down the basis for genuine regional cooperation as provided for by the principles underlying the European Neighbourhood Policy;
- I. whereas the Association Agreement should bring tangible benefits and opportunities to the people of Azerbaijan and the European Union;
- J. whereas the European Union has made human rights, democracy and the rule of law a central aspect of the ENP;
- K. whereas Azerbaijan's active commitment to shared values and principles, including democracy, the rule of law, good governance and respect for human rights, is essential to take the process forward and to make the negotiation and subsequent implementation of Association Agreement meaningful, but whereas currently there are concerns about the respect for the rule of law and freedom of expression for political opponents of the current administration;
- L. whereas Azerbaijan has progressed rapidly in the field of ICT, in particular with regard to e-governance, which increases the transparency of public administration and helps to combat corruption, increases ease of access to public services and information and provides an additional impetus to the democratisation of Azerbaijan;

- M. whereas the Euronest Parliamentary Assembly will hold its second Plenary Session in Baku in April 2012, providing a meaningful forum for discussing questions of democracy, politics, energy, security and social affairs;
- N. whereas in its relations with Armenia and Azerbaijan, the EU respects the principles of sovereignty and territorial integrity and in its approach to resolving regional conflicts supports the basic principles of the Helsinki Final Act; whereas the unresolved Nagorno-Karabakh conflict is undermining the stability and development of the South Caucasus region and hampering the full development of the European Neighbourhood Policy; whereas in its Joint Communication on ‘A new response to a changing neighbourhood’, the EU stated its ambition to engage more pro-actively in conflict resolution in the South Caucasus and enhance its support for confidence-building and its readiness to step up its involvement in formats where it is not yet represented, e.g. the OSCE Minsk Group;
- O. whereas the EUSR for the South Caucasus has an important role in contributing to peaceful conflict settlement in the region;
- P. whereas Azerbaijan shows strong commitment to multilateral parliamentary cooperation within the Euronest Parliamentary Assembly and is the first Eastern Partnership country to host a plenary session of the Assembly (in Baku on 2-4 April 2012);
- Q. whereas the election of Azerbaijan to the United Nations Security Council for the period 2012-2013 offers a good opportunity for further consultation and alignment of the country’s policies with the EU’s Common Foreign Security Policy (CFSP) declarations with the aim of fostering further international peace and stability;
1. Addresses the following recommendations to the Council, the Commission and the European External Action Service: they should
- (a) ensure that the Association Agreement is a comprehensive and forward-looking framework for the future development of relations with Azerbaijan, one which enhances political association, economic convergence and legal approximation and reflects the relationship that both the European Union and Azerbaijan have decided to develop;
  - (b) ensure that the negotiations on the EU-Azerbaijan and EU-Armenia Association Agreements, in line with the demands made in Parliament’s Resolution on the need for an EU strategy for the South Caucasus of 20 May 2010 and with all the OSCE Minsk Group Basic Principles enshrined in the ‘Aquila’ joint statement of 19 July 2009, are linked to credible commitments to making substantial progress towards the resolution of the Nagorno-Karabakh conflict, including, for example, confidence-building measures such as general demilitarisation, the withdrawal of snipers from the line of contact, the withdrawal of Armenian forces from occupied territories surrounding Nagorno-Karabakh, and their return to Azerbaijani control, and a mechanism for active incident-prevention and the investigation of cease-fire violations along the line of contact, the right of all internally-displaced persons and refugees to return to their home settlements and properties and international security guarantees that would include a genuine multinational peacekeeping operation in order to create suitable agreed conditions for the future legally-binding free expression of will concerning the final status of Nagorno-Karabakh;

- (c) incorporate in the Association Agreement clauses and benchmarks on the protection and promotion of human rights, especially with regard to freedom of the media and the right to freedom of expression, association and assembly, which reflect the principles and rights enshrined in the Constitution of Azerbaijan and the highest international and European standards, drawing to the fullest possible extent on the Council of Europe and OSCE frameworks to which Azerbaijan has committed itself; call on the government of Azerbaijan to implement these commitments; and ensure that the negotiations take full account of the need to safeguard the rights and livelihoods of internally-displaced persons and refugees;
- (d) consider the presence of the EU in the OSCE Minsk Group as increasing the EU's involvement in the resolution of the conflict between Armenia and Azerbaijan;
- (e) emphasise in the Association Agreement the importance of guaranteeing citizens' fundamental rights and freedoms, including the right of assembly and association, and private property rights, the development of civil society, the rule of law, the continued fight against corruption, political pluralism and the independence of the media and the judiciary;
- (f) underline in the Association Agreement the importance of the Republic of Azerbaijan fully complying with the judgments of the European Court of Human Rights;
- (g) emphasise in the Association Agreement the crucial importance of freedom of expression for political opponents and stress that deeper relations with the EU are dependent on the Azerbaijani authorities adhering to the rule of law, ensuring fair trials for all prisoners and the unconditional release of all those imprisoned on politically-motivated charges;
- (h) assist Azerbaijan's parliament both technically and financially in fully developing its constitutional functions, bodies and services, including enhanced interaction with civil society;
- (i) support development aid programmes aimed at improving the living conditions of refugees and displaced persons in Azerbaijan;
- (j) incorporate in the agreement clauses on the protection of human rights defenders, in line with the EU Guidelines on Human Rights Defenders;
- (k) call on the Azerbaijani authorities to guarantee that the ongoing construction of new buildings in Baku, which is considered to be partly linked to the upcoming Eurovision Song Contest, is in line with the relevant legislation and that resettlements of people are implemented with transparent legal procedures; express concern at the increasing government criticism of human rights activists who are using this cultural event to improve the democratic and human rights record of the country;
- (l) grant a visa to the PACE Special Rapporteur on Political Prisoners in order to allow him to undertake a visit to the country, in line with his mandate;
- (m) express concern about the increasing number of arrests of human rights and youth activists, the difficulties encountered with regard to the registration of NGOs and political parties as well as intimidation and restrictions of the freedom of expression

and assembly and Internet freedom, and set benchmarks in these areas, with suspension of the agreement if these benchmarks are not met;

- (n) urge the Azerbaijani authorities to adopt an anti-discrimination legislation that prohibits discrimination on the basis of sexual orientation and gender identity in any area;
- (o) bring the objectives of the Association Agreement into line with the Joint Communication on a Renewed Response to a Changing Neighbourhood, thereby enabling civil society organisations in Azerbaijan to carry out internal monitoring of, and ensuring that the government is held more accountable for, its reforms and commitments;
- (p) ensure the coherence of the Association Agreement with the principles of international law – in particular, those defined in the UN Charter, the Helsinki Final Act and in the OSCE framework, namely the non-use of force, territorial integrity and the right to self determination, – and that the Agreement, once concluded, applies to the whole territory of Azerbaijan;
- (q) strengthen the European Union’s conflict-resolution and mediation capacity and adopt a more active and effective role with regard to increasing trust between the parties in conflict, including by assisting them through EU-funded confidence-building projects aimed at increasing popular support for mutual concessions and peaceful settlement; underline the need for unconditional access for representatives of the EU to Nagorno-Karabakh and the surrounding occupied regions; insist that the EU should play a stronger role in settling the conflict in Nagorno-Karabakh by supporting the implementation of confidence-building measures which will bring together the Armenian and Azerbaijani communities and spread the ideas of peace, reconciliation and trust through all the sides involved;
- (r) welcome the work done by the OSCE Minsk Group Co-Chairs and the parties in making progress towards agreement on the Basic Principles and call for continued support for its work; stress that both Azerbaijan and Armenia should take the appropriate measures to ensure that any decisions taken under the Minsk Group format towards establishing and consolidating a peaceful resolution of the Nagorno-Karabakh conflict are carried out fully and in a timely fashion; consider direct and more active participation of the EU in the Minsk Group;
- (s) call on the leaders of Armenia and Azerbaijan to act responsibly, tone down statements and avoid inflammatory declarations in order to pave the way for a genuine dialogue at all levels of society so that the public will accept and fully understand the benefits of a comprehensive settlement, thereby paving the way for effective confidence-building measures;
- (t) express concern about the military build-up in the region and in particular about Azerbaijan’s high military expenditure and call in this respect on the Member States to stop supplying weapons and munitions to both Azerbaijan and Armenia, in compliance with the OSCE request of February 1992, as long as a comprehensive settlement has not been agreed and signed by the two parties;
- (u) stress the need to continue to do everything possible within the framework of the



Eastern Partnership to bring about political and economic rapprochement between Armenia and Azerbaijan and to firmly establish regional conflict resolution as an integral component of this;

- (v) stress that hundreds of thousands of refugees and internally-displaced persons who fled their homes during or in connection with the Nagorno-Karabakh war remain displaced and denied their rights, including the right to return, property rights and the right to personal security – those rights should be unconditionally respected and provided without any delay; call on the Commission and the Member States to continue and extend the EU's assistance and financial support to Azerbaijan in dealing with the situation of displaced persons;
- (w) emphasise the need to use the Association Agreement as a platform to promote regional synergies and cooperation, emphasise the mutually-reinforcing links between democratic pluralistic development and conflict resolution, and ensure that the Association Agreement contains provisions to encourage visa facilities for all people from the South Caucasus countries;
- (x) clarify how the substantial degree of complementarity between the various EU initiatives in the region, namely the Eastern Partnership and the Black Sea Synergy, is to be exploited;
- (y) call on Turkey to play a constructive role in the resolution of the Nagorno-Karabakh conflict and in fulfilling its responsibility in that region;
- (z) ensure that the trade component of the Association Agreement can be upgraded to a Deep and Comprehensive Free Trade Area as soon as Azerbaijan meets all the necessary conditions, including joining the WTO and fulfilling its commitments with respect to human rights, and with that aim in mind, provide the necessary technical assistance to prepare Azerbaijan for the negotiations and to encourage the adoption of the reforms required;
- (aa) urge Azerbaijan to sign and ratify the Rome Statute of the International Criminal Court;
- (ab) urge the Azerbaijani authorities to sign and ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction and the Convention on Cluster Munitions;
- (ac) ensure speedy negotiations on visa facilitation and readmission agreements in order to promote people-to-people contacts and treat youth and academic mobility as a priority; contribute to the fight against illegal immigration, and ensure that the provisions on asylum are fully in line with international obligations and commitments and EU standards, especially in the field of human rights;
- (ad) underline the importance of building and developing a strong youth sector and welcome in this regard the various state programmes offering scholarships for studying abroad;
- (ae) urge Azerbaijan not to hamper visa issues for third-country nationals of Armenian origin wishing to enter Azerbaijan, and to lift the ban on international phone calls to

Armenia;

- (af) encourage broad sectoral cooperation between the EU and Azerbaijan, and in particular, explain the benefits of and promote regulatory convergence and provide the necessary technical assistance to this end;
- (ag) urge the Azerbaijan authorities to step up implementation of the Core Conventions of the International Labour Organisation (ILO);
- (ah) enhance transparency in the management of public finances and improve public procurement legislation in order to contribute significantly to good governance and transparent decision-making; welcome, in this respect, the participation of Azerbaijan in the Extractive Energy Transparency Initiative aimed at increasing openness on oil and gas revenues, and monitor the government of Azerbaijan's compliance with its obligation to release information about public finances under the legislation on the right to access information;
- (ai) take the necessary action to incorporate in the Association Agreement provisions enabling Azerbaijan to participate in Community programmes and agencies, as a tool to promote European integration at all levels;
- (aj) welcome the reforms made by Azerbaijani authorities in the judiciary, with a view to ensuring greater independence of judges, improving selection and appointment procedures and eliminating judicial corruption and susceptibility to the influence of the executive; acknowledge that the relevant laws, including the law on the Bar, have been adopted; encourage the authorities in charge to continue implementing legislation to combat corruption and focus on high-level corruption cases as well as to improve significantly the transparency of public expenditure and political party funding; emphasise the need to improve the independence, efficiency and resources of the judiciary; reiterate the importance of the court system functioning free from political interference; stress the need to establish a convincing track record of recruiting and appointing judges and state prosecutors based on the application of uniform, transparent, objective and nationally-applicable criteria and to build up an enforcement record of prosecutions and convictions against which progress can be measured; call for the unification of jurisprudence in order to ensure a predictable judicial system and public trust;
- (ak) set up twinning programmes with EU regions and local communities with national minorities experiencing a high degree of autonomy;
- (al) emphasise the need for a sustainable economy, including by enhancing its diversification; promote greater openness and transparency in the energy sector and ensure that its development is carried out in accordance with international environmental standards; support the development of the renewable energy market; underline the need for corresponding environmental legislation;
- (am) emphasise the importance of EU-Azerbaijan energy cooperation in the diversification of energy supplies and routes of their delivery to Europe; recall in this regard the Joint Declaration on gas delivery signed on 13 January 2011 in Baku by the President of the European Commission José Manuel Barroso and the President of Azerbaijan Ilham Aliyev as an important step in the realisation of the Southern Gas Corridor, and

commend the efforts of Azerbaijan in promoting such pioneering projects as the Baku-Tbilisi-Ceyhan and the Baku-Tbilisi-Erzurum pipelines as the fulfilment of the AGRI Project;

- (an) stress the importance of Azerbaijan's unique geographic location for enabling a direct and unimpeded transit link between the EU and the countries of Central Asia; welcome efforts to develop trans-Caspian transit cooperation with Kazakhstan and explore ways of establishing such cooperation with Turkmenistan; welcome the Council mandate, signed on 12 September 2011, to conclude a legally-binding agreement between the EU, Azerbaijan and Turkmenistan on the Trans-Caspian pipeline;
  - (ao) ensure the continued focused attention of the EU on the development of energy cooperation with Azerbaijan and sustainable support by the EU; provide technical assistance to the Azerbaijani State Agency for Alternative and Renewable Energy Sources in order to help Azerbaijan to diversify its energy resources, promote energy efficiency and bring the country in line with the EU climate change targets;
  - (ap) find ways to encourage dialogue and regional cooperation by supporting organisations like the Regional Environmental Centre (REC) through joint cross-border projects that involve NGOs, local communities and stake-holders of Armenia, Azerbaijan and Georgia;
  - (aq) incorporate in the Association Agreement a strong parliamentary dimension which provides for the full involvement of the Milli Mejlis and the European Parliament and enhances the work of the Euronest Parliamentary Assembly;
  - (ar) fully involve the European Parliament in the implementation and monitoring of the Association Agreement; establish clear benchmarks for the implementation of the Association Agreement and provide for monitoring mechanisms, including the submission of regular reports to the European Parliament;
  - (as) provide better-targeted technical assistance to Azerbaijan to ensure that it can meet the commitments stemming from the negotiations on the Association Agreement and its full implementation, by continuing to offer comprehensive institution-building programmes;
  - (at) encourage the EU negotiating team to continue to cooperate with the European Parliament, providing continuous feedback, supported by documentation, on the progress made, in accordance with Article 218(10) TFEU, which states that Parliament must be immediately and fully informed at all stages of the procedure;
  - (au) further encourage a profound level of cooperation with and within the Eastern Partnership as well as regularly inform the European Parliament on its progress;
2. Instructs its President to forward this resolution containing the European Parliament's recommendations to the Council, the Commission, the European External Action Service and Azerbaijan.

## **P7\_TA-PROV(2012)0128**

### **Negotiations of the EU-Armenia Association Agreement**

**European Parliament resolution of 18 April 2012 containing the European Parliament's recommendations to the Council, the Commission and the European External Action Service on the negotiations of the EU-Armenia Association Agreement (2011/2315(INI))**

*The European Parliament,*

- having regard to the ongoing negotiations between the EU and Armenia on the Association Agreement,
- having regard to the Council Conclusions of 10 May 2010 on Armenia which adopted the negotiating directives,
- having regard to the Partnership and Cooperation Agreement (PCA) between Armenia and the European Union, which entered into force on 1 July 1999,
- having regard to the Joint Declaration on a Mobility Partnership between the EU and Armenia of 27 October 2011,
- having regard to the European Neighbourhood Policy (ENP) Action Plan adopted on 14 November 2006 and the Joint Communication on ‘A new response to a changing Neighbourhood’ of 25 May 2011,
- having regard to the Joint Declaration issued by the Eastern Partnership Summit held in Prague on 7 May 2009,
- having regard to the Foreign Affairs Council conclusions on the Eastern Partnership of 25 October 2010,
- having regard to the Joint Declaration issued by the Eastern Partnership Summit held in Warsaw on 29-30 September 2011,
- having regard to the Constituent Act of the EU Neighbourhood East Parliamentary Assembly (Euronest) of 3 May 2011,
- having regard to the Foreign Affairs Council conclusions on the South Caucasus of 27 February 2012,
- having regard to its resolution of 13 March 2008 on Armenia<sup>1</sup>,
- having regard to its resolution of 20 May 2010 on the need for an EU strategy for the South Caucasus<sup>2</sup>,
- having regard to its resolutions of 20 January 2011 on an EU strategy for the Black Sea<sup>3</sup>,

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<sup>1</sup> OJ C 66 E, 20.3.2009, p. 67.

<sup>2</sup> OJ C 161 E, 31.5.2011, p. 136.

<sup>3</sup> Texts adopted, P7\_TA(2011)0025.

and of 17 January 2008 on a Black Sea regional policy approach<sup>1</sup>,

- having regard to its resolutions of 7 April 2011 on the review of the European Neighbourhood Policy - Eastern Dimension<sup>2</sup> and of 14 December 2011 on the review of the European Neighbourhood Policy<sup>3</sup>,
  - having regard to Council Decision 2011/518/CFSP of 25 August 2011 appointing the European Union Special Representative for the South Caucasus and the crisis in Georgia<sup>4</sup>,
  - having regard to the Commission Progress Report on Armenia adopted on 25 May 2011,
  - having regard to the third round of the EU-Armenia Human Rights Dialogue held on 6 December 2011,
  - having regard to the general amnesty adopted by the Armenian Parliament on 26 May 2011 on a proposal from President Sargsyan,
  - having regard to the declaration signed by the Presidents of Armenia, Azerbaijan and the Russian Federation on 2 November 2008 in Moscow,
  - having regard to the joint declaration signed by the Presidents of Armenia, Azerbaijan and the Russian Federation on 23 January 2012 in Sochi,
  - having regard to Rules 90(4) and 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs (A7-0079/2012),
- A. whereas the Eastern Partnership provides the political framework for strengthening bilateral relations by means of new Association Agreements, taking into account the specific situation and ambitions of the partner country and the EU's strategic interest in the stability and democratic development of the region;
- B. whereas Association Agreements constitute the appropriate framework for deepening relations, by enhancing political association, socio-economic integration and legal approximation with the EU, and developing cultural relations;
- C. whereas, in this respect, the multilateral dimension of the Eastern Partnership is complementary and inseparable from the bilateral one and should develop simultaneously with the ongoing negotiations of Association Agreements in order to pave the way for their full implementation and lay down the basis for genuine regional cooperation as provided for by the principles underlying the European Neighbourhood Policy;
- D. whereas Armenia's active commitment to shared values and principles, including democracy, the rule of law, good governance and respect for human rights, is essential to take the process forward and to make the negotiation and subsequent implementation of the Association Agreement a success;

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<sup>1</sup> OJ C 41 E, 19.2.2009, p. 64.

<sup>2</sup> Texts adopted, P7\_TA(2011)0153.

<sup>3</sup> Texts adopted, P7\_TA(2011)0576.

<sup>4</sup> OJ L 221, 27.8.2011, p. 5.

- E. whereas the Armenian authorities have repeatedly stated their willingness to adhere to these values and invoked Armenia's European ambitions; whereas the rhetoric has not always matched reality in terms of the pace of reforms; whereas Armenia's active participation in multilateral parliamentary cooperation in the framework of Euronest, covering the four thematic platforms of the Eastern Partnership, provides a good example of commitment to European values and principles, the importance of which is acknowledged by a wide public consensus in Armenian society;
- F. whereas the unresolved Nagorno-Karabakh conflict is undermining the stability and development of Armenia and the South Caucasus region; whereas in its Joint Communication on 'A new response to a changing neighbourhood' the EU stated its ambition to engage more proactively in conflict resolution in the South Caucasus and to step up its involvement by both supporting the existing negotiation formats and proposing new initiatives; whereas the EU Special Representative for the South Caucasus has an important role to play in contributing to a peaceful conflict settlement in the region;
- G. whereas the occupation of territories belonging to a third country is a violation of international law and is contrary to the founding principles of the European Neighbourhood Policy, thereby jeopardising the whole Eastern Partnership project;
- H. whereas deeply concerning reports exist of illegal activities exercised by Armenian troops on the occupied Azerbaijani territories, namely regular military manoeuvres, renewal of military hardware and personnel and the deepening of defensive echelons;
- I. whereas the proper conduct, in accordance with international and European standards, of the forthcoming parliamentary elections due to take place on 6 May 2012 will be of the utmost importance for the development of EU-Armenia relations, and whereas the elections are to be conducted in accordance with the new Electoral Code of Armenia;
- J. whereas the negotiations on the EU-Armenia Association Agreement have been progressing at a good pace and providing impetus for internal reform;
- 1. Addresses the following recommendations to the Council, the Commission and the European External Action Service: they should
  - (a) ensure that the Association Agreement is a comprehensive and forward-looking framework for the future development of relations with Armenia, one which enhances political association, economic convergence and legal approximation;
  - (b) ensure that the negotiations on the EU-Azerbaijan and EU-Armenia Association Agreements, in line with the demands made in Parliament's Resolution on the need for an EU strategy for the South Caucasus of 20 May 2010 and with all the OSCE Minsk Group Basic Principles enshrined in the 'Aquila' joint statement of 10 July 2009, are linked to credible commitments to making substantial progress towards the resolution of the Nagorno-Karabakh conflict, including, for example, confidence-building measures such as general demilitarisation, the withdrawal of snipers from the line of contact, the withdrawal of Armenian forces from occupied territories surrounding Nagorno-Karabakh and their return to Azerbaijani control, and a mechanism for active incident-prevention and the investigation of cease-fire violations along the line of contact, the right of all internally displaced persons and refugees to return to their home settlements and properties and international security guarantees that would

include a genuine multinational peacekeeping operation in order to create suitable agreed conditions for the future legally-binding free expression of will concerning the final status of Nagorno-Karabakh;

- (c) stress the utmost importance of democratic, transparent, free and fair competitive elections, which should not only manifest themselves in the orderly conduct of the May 2012 elections on election day but also provide plurality, freedom of political discourse, freedom of speech and equal access of all political forces to mainstream broadcast media, and freedom of assembly and movement during the whole pre- and post-electoral process; stresses that the EU Delegation in Armenia should be provided with the necessary resources to enhance the EU's contribution to the quality of electoral processes; commend the adoption of the new Electoral Code of Armenia, which is consistent with international obligations and recommendations;
- (d) stress that it is essential to complete a transparent, independent and impartial investigation of the events of 1 March 2008, including an independent investigation of the police intervention during the dispersal of the demonstration;
- (e) recognise Armenia's European aspirations and consider them as a valuable lever and a necessary catalyst for implementation of reforms and public support for these reforms aimed at strengthening Armenia's commitment to shared values and the principles of the rule of law, respect for human rights and good governance;
- (f) incorporate into the Association Agreement clauses and benchmarks on the protection and promotion of human rights which reflect the highest international and European standards, drawing to the fullest possible extent on Council of Europe and OSCE frameworks and the ongoing EU-Armenia Human Rights Dialogue;
- (g) emphasise in the Association Agreement the importance of guaranteeing the enjoyment of fundamental freedoms, including the freedom of assembly and association, the development of civil society, the rule of law, the continued fight against corruption, ensuring market competitiveness, and the independence of the media;
- (h) urge the Armenian authorities to adopt anti-discrimination legislation that prohibits discrimination on grounds of sexual orientation and gender identity in any area;
- (i) encourage the Armenian authorities to continue with renewed efforts legislative reform in the country;
- (j) encourage the Armenian authorities to continue to develop the office of Human Rights Defender, in particular by providing him with additional financial and human resources and supporting the newly established regional offices; ensure that support to institutions such as the Human Rights Defender is balanced proportionately with support to civil society organisations;
- (k) stress in particular the importance of the independence of the judiciary, transparent procurement procedures, the separation of politics from business and the need to dismantle oligarchic structures within the economy, reliable court procedures that guarantee fair trial and access to justice for all citizens, a safe environment for investigative journalism, access to information and independent and social media and the prevention of any forms of torture and ill-treatment in detention centres; encourage the

Armenian Government to make every possible effort to continue complying with EU best practices and recommendations in these areas;

- (l) emphasise the importance which the European Union attaches to the prevention of and fight against corruption in the Eastern Partnership countries, especially in light of the Council Conclusions on cooperation in the area of Justice and Home Affairs within the Eastern Partnership at its 3135th meeting on 13 and 14 December 2011;
- (m) underline the relationship between the reform of law enforcement authorities in the partner countries and measures to combat financial crime, corruption, money laundering, and the financing of terrorism;
- (n) emphasise the need to fight impunity for law enforcement officials and the police, inter alia by ensuring that torture and violations of rights in custody and in closed institutions are fully investigated;
- (o) ensure that civil society and non-governmental organisations in Armenia are regularly and systematically consulted throughout the Association Agreement negotiation process, and ensure that their recommendations are noted and taken into account wherever appropriate;
- (p) ensure that the Association Agreement is consistent with the principles of international law, in particular with regard to those defined in the UN Charter, in the Helsinki Final Act and in the OSCE framework, namely the non-use of force, territorial integrity and right to self determination;
- (q) remind all parties that there can be no alternative to the peaceful resolution of the Nagorno-Karabakh conflict; emphasise that any threat to use force undermines the joint efforts of the international community;
- (r) call on Armenia and Azerbaijan to undertake confidence-building measures along the front lines, including withdrawal of snipers from the line of contact (in accordance with OSCE recommendations), the pullback and cessation of use of any artillery and a significant increase in the number of OSCE monitors, as an interim measure until a UN-mandated multinational peacekeeping force is deployed as part of the implementation of a peace agreement; call on Armenia to stop sending regular army conscripts to serve in Nagorno-Karabakh;
- (s) strengthen the European Union's conflict-resolution and mediation capacity, inter alia by stepping up its support for the Minsk Group's efforts, offering to play a more active and stronger role in supporting the implementation of confidence-building measures and increasing trust between the conflict parties, including by promoting a more intensive negotiation process and assisting them through EU-funded projects aimed at increasing popular support for mutual concessions and a peaceful settlement, and providing support for humanitarian programmes in the conflict-affected areas, in particular landmine clearance activities;
- (t) play a more prominent role in seeking a settlement of the conflict in Nagorno-Karabakh by supporting the implementation of confidence-building measures which will bring together Armenian and Azerbaijani communities and spread the ideas of peace, reconciliation and trust among all sides; stress that both Armenia and Azerbaijan should



take the appropriate measures to ensure that any decisions taken under the Minsk Group format towards consolidating a peaceful resolution of the Nagorno-Karabakh conflict are carried out fully and in a timely fashion; underline the need for unconditional access for representatives of the EU to Nagorno-Karabakh and surrounding occupied regions;

- (u) consider the presence of the EU in the OSCE Minsk group as increasing the EU's involvement in the resolution of the conflict between Armenia and Azerbaijan;
- (v) strengthen the European Union's conflict-resolution capacity in the South Caucasus, inter alia by supporting the efforts of the Minsk Group and clearing the way for the implementation of confidence-building measures, as the Presidents of both Azerbaijan and Armenia have agreed; emphasise the need for the earliest peaceful settlement of the conflict between Armenia and Azerbaijan on the basis of the principles of international law and the decisions and documents approved in this framework;
- (w) call on all external actors to the conflict to show goodwill and contribute in a positive way to its prompt and peaceful resolution;
- (x) call on the leaders of Armenia and Azerbaijan to act responsibly, tone down statements and refrain from inflammatory declarations in order to pave the way for a genuine dialogue at all levels of society and lay the ground for effective confidence-building measures;
- (y) express concern about the military build-up in the region and, in particular, about Armenian high military expenditure that drains away resources from more urgent issues such as poverty reduction, social security and economic development, and call, in this connection, on Member States to stop supplying weapons and munitions to both Azerbaijan and Armenia, in compliance with the OSCE request of February 1992, as long as a comprehensive settlement has not been agreed and signed by the two parties;
- (z) note in this regard the need to investigate concerning reports of a settlement-building policy implemented by the Armenian authorities to increase the Armenian population in the occupied territories of Nagorno-Karabakh;
- (aa) stress the importance of ratifying the protocols signed between Armenia and Turkey in Zurich in 2009 and step up efforts to facilitate the normalisation of relations, with the subsequent opening of the frontier without any preconditions; welcome the decision to open negotiations on the Deep and Comprehensive Free Trade Area (DCFTA), in this respect emphasise that it is unacceptable to have a continuously closed border between countries which aspire to membership of or association with the EU, and urge that this situation be brought to an end;
- (ab) urge Armenia to make efforts to align its policy towards Iran with the EU approach to this country;
- (ac) emphasise the need to use the Association Agreement as a platform to promote regional synergies and cooperation; emphasise the mutually reinforcing links between democratic pluralistic development and conflict resolution; particularly stress the importance of creating synergies in the areas of transport and energy; call on all parties to fully engage in the multilateral cooperation track of the Eastern Partnership without linking it to the conflicts;

- (ad) find ways to encourage dialogue and regional cooperation by supporting organisations like the Regional Environmental Centre (REC) through joint cross-border projects that involve NGOs, local communities and stake-holders in Armenia, Azerbaijan and Georgia;
- (ae) urge Armenia to ratify the Rome Statute of the International Criminal Court without further delay as a vital step towards bringing national legislation into line with international judicial agreements which have been embraced by the countries of the European Union;
- (af) urge the Armenian authorities to sign and ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction and the Convention on Cluster Munitions;
- (ag) emphasise the importance of mobility in promoting European integration; treat youth and academic mobility as a priority during the negotiations on visa facilitation and readmission agreements; call on Armenia to improve its national higher education laws, with a special emphasis on synchronisation procedures for scientific degrees and legal regulation of student internships in the light of the Bologna process; ensure that the provisions on asylum are fully in line with international obligations and commitments and EU standards;
- (ah) ensure the transparent management of public finances and the improvement of public procurement legislation, for the purpose of ensuring good governance and a transparent decision-making process;
- (ai) encourage broad sectoral cooperation between the EU and Armenia; in particular, explain the benefits of and promote regulatory convergence in this area and, to this end, provide the necessary financial and technical assistance;
- (aj) welcome the incorporation of EU best practices and recommendations in Armenia during the preparation of national work plans in the field of justice, freedom and security; note, in particular, the tangible results achieved in the migration sector by the signing of the Joint Declaration on Mobility Partnership;
- (ak) take the necessary action to incorporate in the Association Agreement provisions enabling Armenia to participate in Community programmes and agencies, as a fundamental tool to promote European integration at all levels;
- (al) emphasise the need for a sustainable economy, including through the promotion of renewable energy sources and energy efficiency in line with the EU targets on climate change; ensure that the development of the energy sector is carried out in accordance with the EU's environmental standards and the UN Convention on Environmental Impact Assessment in a Transboundary Context (ESPOO Convention);
- (am) reiterate the request to shut down the Medzamor nuclear power plant before 2016 since it cannot be upgraded to meet current agreed internationally recognised standards;
- (an) continue to provide the necessary technical support to allow the prompt launch of negotiations on all aspects of the Association Agreement, and ensure that the recently opened negotiations on the DCFTA are continued at a steady pace;

- (ao) incorporate in the Association Agreement a strong parliamentary dimension which provides for the full involvement of the National Assembly of Armenia and the European Parliament in the implementation and monitoring of the Agreement; assist Armenia's parliament both technically and financially in fully developing its constitutional functions, bodies and services, including the establishment of full-fledged standing committees and enhanced interaction with civil society; provide the European Parliament with regular information on the state of play of the negotiation process;
  - (ap) incorporate in the Association Agreement clear benchmarks for its implementation and provide for monitoring mechanisms, including the submission of regular reports to the European Parliament;
  - (aq) provide better-targeted financial and technical assistance to Armenia to ensure that it can meet the commitments stemming from the negotiations on the Association Agreement and its full implementation, by continuing to offer Comprehensive Institution-Building programmes, including in such areas as civil service and justice reform;
  - (ar) encourage the Armenian authorities to make full use of the expertise of the High-Level EU Advisory Group in the negotiation and implementation process and to keep the EU advisers fully informed also of the activities of the Eastern Partnership IBM Flagship Initiative Panel; consider providing such assistance to all the Eastern Partners;
  - (as) recognise Armenia's ambitious reform agenda under the Eastern Partnership and provide adequate assistance in accordance with the 'more for more' principle, according to the pace of reforms and measured against democracy and human rights indicators;
  - (at) increase, in line with the Joint Communication on 'A renewed response to a changing Neighbourhood', EU assistance for civil society organisations in Armenia, so that they can carry out internal monitoring of reforms and commitments and ensure that the government is held more accountable therefor;
  - (au) encourage the EU negotiating team to continue the good cooperation with the European Parliament, providing continuous feedback, supported by documentation, on the progress made, in accordance with Article 218(10) TFEU, which states that Parliament must be immediately and fully informed at all stages of the procedure;
2. Instructs its President to forward this resolution containing the European Parliament's recommendations to the Council, the Commission, the European External Action Service and Armenia.

**Fish as a common good**

**Declaration of the European Parliament of 18 April 2012 on fish as a common good**

*The European Parliament,*

- having regard to Article 117 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which provides that ‘All States have the duty to take, or to cooperate with other States in taking (...) measures (...) necessary for the conservation of the living resources of the high seas’,
  - having regard to the 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas, and the 1995 FAO Code of Conduct for Responsible Fisheries,
  - having regard to Rule 123 of its Rules of Procedure,
- A. whereas average global fish consumption has reached a record of 17 kg per person per year, and whereas fish provides over 15% of the protein intake of more than 3 billion people;
- B. whereas the global sustainability of fisheries is a prerequisite for the conservation of fish stocks and for the access of future generations to this invaluable marine resource, and whereas the concentration of fisheries’ ownership in private hands entails severe negative effects;
- C. whereas there is a need for global action to protect this resource and ensure that it is regarded as a common good, while also ensuring equitable distribution of the related collective benefits;
1. Invites the Commission to promote legislative action, at EU and Member State level, on the importance of fish as a global common good, to implement the necessary measures to protect marine resources, to ensure access to and sustainable use of these resources – through international coordination – and to conduct an information campaign for EU citizens;
  2. Instructs its President to forward this declaration, together with the names of the signatories<sup>1</sup>, to the Council, the Commission and the governments and parliaments of the Member States.

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<sup>1</sup> The list of signatories is published in Annex 1 to the Minutes of 18 April 2012 (P7\_PV-PROV(2012)04-18(ANN1)).

## **Children with Down syndrome**

### **Declaration of the European Parliament of 18 April 2012 on children with Down syndrome**

*The European Parliament,*

- having regard to Rule 123 of its Rules of Procedure,
- A. whereas it is estimated that the chances of a child being born with Down syndrome are between 600 and 1000 to 1;
- B. whereas Down syndrome is one of the commonest genetic causes of learning disabilities;
- C. whereas congenital anomalies are one of the main causes of infant mortality and long-term disability, and children with Down syndrome can suffer from numerous congenital disturbances, the most frequent being heart disease;
- D. whereas Article 26 of the Charter of Fundamental Rights of the European Union states: 'The Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community';
- E. whereas the EU has ratified the UN Convention on the Rights of Persons with Disabilities, which lays down universal minimum standards protecting and guaranteeing a whole range of civil, political, social and economic rights;
- 1. Calls on the Commission, the Council and the Member States to:
  - contribute to the social inclusion of children with Down syndrome by means of awareness-raising campaigns at national and European level;
  - promote pan-European research into the treatment of this condition;
  - draw up a Europe-wide strategy for protecting the rights of children with Down syndrome in the EU;
- 2. Instructs its President to forward this declaration, together with the names of the signatories<sup>1</sup>, to the Commission, the Council and the national authorities concerned.

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<sup>1</sup> The list of signatories is published in Annex 2 to the Minutes of 18 April 2012 (P7\_PV-PROV(2012)04-18(ANN2)).