

# EUROPEAN PARLIAMENT



*session documents*

ENGLISH EDITION

18 February 1993

A3-0056/93/PART A

## REPORT

of the Committee on Foreign Affairs and Security

on Human rights in the world and  
Community human rights policy  
for the years 1991-1992

Rapporteur: Mrs. Marlene LENZ

- PART A: MOTION FOR A RESOLUTION -

PE 202.601/fin./Part A

OR. EN

Consultation procedure requiring a single reading  
Cooperation procedure (first reading)

\*\*II Cooperation procedure (second reading) requiring the votes of a majority of the current Members of Parliament  
\*\*\* Parliamentary assent requiring the votes of a majority of the current Members of Parliament

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By letter of 22 May 1981, the Political Affairs Committee requested authorisation to draw up an annual report on human rights in the world.

By letter of 30 June 1981, the Committee was authorised to draw up annually a report on this subject; the Committee on Development and Cooperation and the Committee on Culture, Youth, Education and the Media were authorised to draw up opinions.

By letter of 19 May 1992, the Committee on Foreign Affairs and Security requested confirmation of this decision, which was accorded on 11 June 1992.

At its meeting on 17 March 1992, the Committee appointed Mrs Marlene Lenz rapporteur for the year 1991-1992.

The report was considered at the meetings of the Human Rights Subcommittee on 22 September 1992, 25 November 1992 and 3 December 1992, and at the meetings of the Foreign Affairs Committee on 8 January 1993 and 16/17 February 1993.

At the latter meeting it adopted the motion for a resolution unanimously without abstentions.

The following took part in the vote :

Cassanmagnano Cerretti, Acting-Chairman; Crampton, Vice-Chairman; Lenz, Rapporteur; Baget Bozzo; Balfe; Christensen, Ib (for Canavarro); Dury; Fernandez Albor; Ford (for Coates); Gaibisso; Holzfuss; Llorca Vilaplana; Newens; Penders; Piecyk; Pirkl; Puerta; Robles Piquer (for McMillan Scott); and Suarez Gonzalez (for Poettering).

The explanatory statement and the opinions of the Committee on Development and Cooperation and the Committee on Culture, Youth, Education and the Media will be published separately.

The report was tabled on 18 February 1993.

The deadline for tabling amendments will appear on the draft agenda for the part-session at which the report is to be considered.

A.

MOTION FOR A RESOLUTION

on human rights in the world and Community human rights policy for the years 1991-1992

The European Parliament,

- having regard to its previous resolutions on human rights in the world and Community policy on human rights, covering the years 1982-1990<sup>1</sup>,
  - having regard to its resolution on the death penalty of 12 March 1992<sup>2</sup>,
  - having regard to its resolution on the financial protocols with Morocco and Syria of 15 January 1992<sup>3</sup>,
  - having regard to its resolution on the European Democracy Initiative of 14 May 1992<sup>4</sup>,
  - having regard to its resolution on human rights, democracy and development of 22 November 1991<sup>5</sup>,
  - having regard to the report of the Committee on Foreign Affairs and Security and to the opinions of the Committee on Development and Cooperation and the Committee on Culture, Youth, Education and the Media (A3-0056/93),
- A. whereas the first directly-elected European Parliament undertook to draw up an annual report on human rights in the world and Community human rights policy,
- B. whereas a commitment to democratic principles of government and to the protection of human rights and fundamental freedoms under the rule of law is a prerequisite for membership of the European Community,
- C. whereas the Community reaffirmed this commitment in the Declaration on the European Identity by the Heads of Government of the Community of December 1973, the joint inter-institutional Declaration of 5 April 1977, the Declaration on Democracy by the European Council of April 1978, the Declaration on Human Rights adopted by the Foreign Ministers of the Twelve on 21 July 1986, and the preamble of the Single European Act,

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<sup>1</sup> OJ C161, 20.6.83, p.58; OJ C172, 2.7.84, p.36; OJ C343, 31.12.85, p.29; OJ C99 13.4.87, p.157; OJ C47, 27.2.89, p.61, OJ C267, 14.10.91, p.165.

<sup>2</sup> OJ C94, 13.4.92, p.277

<sup>3</sup> OJ C39, 17.2.92, p.50

<sup>4</sup> OJ C150, 15.6.92, p.281

<sup>5</sup> OJ C326, 16.12.91, p.259

- D. whereas, in the period under review, there were significant further commitments by the Community with respect to the promotion and protection of human rights, notably:
- The Declaration adopted by the European Council in Luxembourg on 29 June 1991, setting out the basic principles of a future EC human rights policy
  - The Resolution adopted by the Council on 28 November 1991 on 'Human rights, democracy and development cooperation policy,' by the Council and the Member States meeting in the framework of the Council
  - The Declaration by the European Council of Maastricht on 10 December 1991 on racism and xenophobia
  - The statements by the Twelve of 10 December 1991 and 11 December 1992 on their activity in the field of human rights in 1991 and 1992
  - The provisions in the draft Maastricht Treaty, which states that the Union shall 'respect fundamental rights as guaranteed by the European Convention', and that the consolidation of democracy, human rights, fundamental freedoms and the rule of law are among the objectives of a common foreign policy
- E. whereas stronger support must be given to the idea that respect for human rights must constitute an essential part of Community foreign policy and an increasingly important aspect of internal Community affairs; whereas greater account should be taken of this idea in the EP's stance on agreements with third countries and in international cooperation,
- F. whereas Parliament had for many years been calling for clear EC policy guidelines to be laid down in the sphere of human rights,
- G. whereas human rights also has been addressed as a major issue by other international bodies in the period under review such as the Commonwealth Heads of Government Meeting, the Organisation of American States General Assembly, the Organisation of African Unity, The Conference on Security and Cooperation in Europe (CSCE), and the Francophone summit, as well as at the United Nations with its renewed emphasis on the humanitarian domain, (cf the UNDP's new 'Human Freedom Index')
- H. whereas an important precedent was set in 1991 by UN Security Council Resolution 688 to provide 'safe havens' for the Kurds in Northern Iraq, even though it must be acknowledged that the Kurds' problems are far from being resolved, and this more than any other act by the United Nations or the world community in recent years indicated an international recognition that the United Nations and the international community have the right to actively, by intervention if necessary, uphold human rights outside their own borders,
- I. whereas the European Community has always clearly held that expressions of concern about human rights violations in third countries cannot be considered unjustified interference in the domestic affairs of a third country, and that the countries of the European Community, both individually and collectively, have an obligation to seek the enforcement of international human rights law,

- J. whereas, however, the EC's negotiating powers cannot be fully brought to bear until it eliminates internal violations of human rights which still occur at times in some Member States,
- K. whereas even in the face of blatant human rights abuses there are still many countries that evoke the principle of non-interference in their domestic affairs, which is not compatible with the principle of universality and indivisibility of human rights, even though it must be acknowledged that in many countries it is now easier to obtain information on human rights abuses than in the past,
- L. whereas the spread of information technology has meant that there remains only a handful of countries which could be described as 'closed' societies, almost impervious to outside influence, and from which information is hard to obtain,
- M. whereas Community action to further human rights in third countries is inspired by the Community's own legal system, based on the treaties, the case law of the Court of Justice, Community legislation, with reference to the provisions of the European Convention on Human Rights and Fundamental Freedoms, and Member States' constitutions and laws, and furthermore, by human rights references/clauses in cooperation and association agreements with third countries, together with the Universal Declaration and the UN Covenants, which have been ratified by most of the EC Member States,
- N. whereas in Parliament's annual reports particular emphasis is given to three fundamental rights of the individual - the right to life, the right to respect for the physical and moral integrity of the person, and the right to a fair trial by an independent court,
- O. whereas there also can be violations of human rights within the European Community, which has been recognised by Parliament by the creation in 1992 of a Committee on Civil Liberties and Internal Affairs to examine in particular such issues as asylum, immigration policy and racism, and to draw up an Annual Report on respect for human rights within the Community,
- P. whereas intolerance, as manifested in racism and xenophobia, can be seen as the precursory phase of human rights violations, and ethnic tensions can easily degenerate and trigger off a conflict that may even spread abroad,
- Q. whereas the conditions of extreme poverty and misery in which a growing proportion of mankind live create an environment where human rights are more easily abused and notes that the United Nations Commission on Human Rights has appointed a Special Rapporteur on 'human rights and extreme poverty', and that on 22 December 1992 the UN General Assembly decided to proclaim 17 October the International Day for the elimination of poverty,
- R. whereas human rights issues are of greater public and political concern than ever before in the Member States and Community citizens rightly demand full respect for human rights by the Member States and want respect for human rights by third countries to be a fundamental aspect of Community relations with such countries,
- S. whereas human rights flourish best in a situation of democratic stability and it is the duty of Community bodies, and in particular its Parliament, to

encourage the evolution of constitutional freedom, democracy and political pluralism which have spread so significantly in recent times,

1. Considers that the period under review (1991-2) while being characterised by major political change and rapid movement of world events leading to the emergence of more governments committed to democracy, some of which have been very promising for the development of human rights, has also produced horrific excesses and abuses of human rights, including on the European continent, the dreadful example of ex-Yugoslavia,
2. Believes that newly-emerging political systems seeking international recognition must be founded on principles of democracy and respect for human rights and stresses that the fight to establish democracy is invariably linked with the struggle to achieve basic human rights,
3. Considers that in respecting human rights, attention must be paid to the three groups of human rights: traditional human rights, socio-economic rights and collective human rights;
4. Recalls the instances of human rights abuses which have been condemned in resolutions adopted by the European Parliament during this period, and that documents and reports of the United Nations and by intergovernmental and non-governmental bodies, of different political orientation, concur in stating that among the most persistent forms of human rights abuses, occurring in up to half of the countries in the world are:
  - The alarming number of unresolved politically motivated disappearances, many by paramilitary groups,
  - The continued increase of summary and arbitrary executions,
  - Arbitrary detention and unfair trial,
  - The persistence of torture including deaths in custody, with information about cases of torture from 56 countries being submitted by the UN Special Rapporteur on Torture, and some non-governmental organisations saying that torture and ill-treatment occurs in an even larger number of countries,
  - the retention of the death penalty in the laws of 132 states of the international community and its continued application in 96 of them,
  - grave breaches of the principle of equality that may even lead to repression of specific groups in society on the basis of their ethnic origin, gender or religion,
5. Is particularly perturbed that torture should remain such a persistent phenomenon, despite the coming into force of the European and UN Conventions on the Prevention of Torture, and believes that its eradication should be a major priority for the EC and the EP during 1993,
6. Notes that the reporting of cases of torture has improved in those countries which have been moving to a more open and democratic style of government, and that this advance reveals the necessity for increased allocations for rehabilitation work,
7. Believes that the problem of impunity, highlighted by international bodies and human rights NGOs in 1991-2, occurs in many countries including those that now have democratically elected governments, can take the form of amnesty, immunity, extraordinary jurisdiction and constrains democracy by

effectively condoning human rights infringements by those responsible and discouraging victims,

8. Affirms that there should be no question of impunity for those responsible for war crimes in the former Yugoslavia, and that some form of international tribunal must take place, having regard to precedents set by the trials of major war criminals in Nuremberg and Tokyo after World War II and the principles endorsed by the UN General Assembly and the UN International Law Commission and codified in the Fourth Geneva Convention in 1949,
9. Believes that such a tribunal, the seat of which must be established in a city in the European Community, should also consider acts of violence against women committed in former Yugoslavia and require those who committed them to provide economic assistance for the children born as a result of rape and pay compensation to the women victims of such crimes;
10. Notes that in addition to 18-20 million refugees in the world, there have never been more displaced persons in the world than there are today - about 25 million - and that neither international nor inter-governmental organisations have an adequate mandate under international humanitarian law to assist and to protect them, and that inadequate cooperation and coordination exist in this field,
11. Is concerned, however, about the increasingly restrictive measures which EC Member States are jointly applying to obstruct access to their territories for all those displaced persons which call for and are in need of protection,
12. Deplores the fact that an increasing number of victims of human rights abuse and 'death threats' are human rights activists, journalists and lawyers, a growing number of them women, including relatives of human rights victims or individuals providing information to outside bodies, such as the UN,
13. Notes with profound concern that certain human rights violations of enormous gravity such as hostage-taking, ethnic cleansing and deportations and other forms of ethnic persecution are used as a political instrument,
14. Is horrified that during military conflicts deliberate use is made of the gravest human rights abuses, such as those inflicted by Serbia on the civilian population of former Yugoslavia, in order to conduct ethnic and racist expulsion campaigns, not shrinking from torture, murder and rape in 'concentration camps', which in actual fact are death and rape camps,
15. Considers that women, especially in trouble spots, are particularly exposed to human rights violations in that their physical integrity is liable to be an additional target, and stresses the provisions of the relevant Geneva Conventions in this respect,
16. Notes that this applies no less to indigenous peoples whose plight has been highlighted by the designation of 1993 as the International Year for Indigenous Peoples and the award of the Nobel Peace Prize to Mrs Rigoberta Menchu,
17. Considers that the trend towards greater consideration of human rights, even by countries that have always denied them, arising from improved

opportunities of finding out about human rights breaches, is encouraging but must become more widespread before being considered satisfactory,

18. Firmly believes that the Community is insufficiently prepared for the new human rights challenges both with respect to its external relations and concerning the consistent respect of these rights within its internal legal order, and proposes the creation of an EC human rights task force consisting of representatives of the Community institutions possibly collaborating with NGO representatives, to monitor human rights compliance within the Community and by the Community institutions as well as in the rest of the world, to coordinate the efforts taken by the various Community institutions and to enhance the consistency of the Community's human rights policy

#### DEMOCRATISATION

19. Believes that this progress, inextricably linked to the events in Eastern Europe in 1989, together with changes in Central and South America and in Africa, reflect peoples' increasing awareness and maturity about their claim for human rights, and notes that some of the prisoners released in this period have gone on to take high office in government,
20. Regrets, however, that the democratic 'gains' made have been accompanied in much of the world by a turning inwards, the resurgence of aggressive self-interest, sometimes compulsive nationalism, community fanaticism and religious fundamentalism in what can be seen as a crisis of collective identities, and that ideological conflicts are being superseded by ethnic and religious conflicts,
21. Notes further that many countries, while breaking with the old authoritarian structures, have adopted democratic constitutions which remain very much at risk, and that some governments find it hard to reconcile some of the obligations emanating from the relevant provisions of international law with their domestic laws and cultural or religious convictions, and notes furthermore that in many countries that have broken with totalitarian regimes there are still military governments that continue to wield anti-democratic and highly centralized powers, so that the effective functioning of government is seriously hampered as a result of direct or indirect control by the army and security forces,
22. Acknowledges that there are many different roads towards democracy and many different forms of government which can assure the rule of law,
23. Deplores the fact that serious human rights abuses are still being committed under elected governments that have expressly pledged to respect human rights and have the necessary institutions to do so,
24. Notes with great concern the menace the current economic recession poses to young democracies, which seems to fuel anti-democratic elements in society,

## COMMUNITY POLICY

### 'Positive Measures and Conditionality'

25. Believes that the European Community can be a very positive force in promoting democracy and human rights, where it has clear international obligations, and notes that it is in the process of significantly adapting and reshaping its external policies to reinforce its effectiveness in the sphere of human rights, both in the development and other sectors, even though this process must be strengthened and rendered effective in a more binding and rapid manner;
26. Recalls that the stated objective of those policies is to provide active support, for example, for:
  - efforts by countries to establish democratic structures and improve their human rights performance;
  - the holding of elections, the setting up of new democratic institutions and the strengthening of the rule of law;
  - the strengthening of the judiciary, the administration of justice, crime prevention and punishment of offences;
  - promoting the role of non-governmental organisations and other institutions which are necessary for a pluralist society;
  - the adoption of a decentralised approach to cooperation;
  - ensuring equal opportunities for all.
27. Emphasizes that the Community's actions to promote democracy and human rights in third countries would have a major impact if a high degree of democracy was guaranteed within the European Community itself;
28. Points out that although such policies are a new and accepted element in international affairs, their application is very much in an initial phase,
29. Considers that such a policy must be implemented coherently and in a coordinated fashion, and that the Commission and Parliament should be more closely associated than hitherto in implementing this policy,
30. Believes furthermore that policy must be seen to be non-selective and that the establishment of criteria, and of procedures and measures to effectively implement policy, should be based on a sound and objective assessment of developments in the human rights situations in particular countries or regions
31. Believes furthermore that the annual report which the EC Commission is committed to provide on implementation of the 28 November 1991 resolution should evaluate how fully this policy has been implemented on a country-by-country basis, not just with developing countries but with all major trading partners,
32. Believes that this document also should be transmitted to Parliament, where it should be the subject of a plenary debate, and regrets that the Council has already discussed the 1992 report without a plenary debate being held on the matter in the European Parliament,

33. Believes that a much strengthened monitoring mechanism is required for implementation and inter-institutional cooperation
34. Believes that as well as inter-institutional cooperation there should be an annual meeting by representatives of the Commission and Member States to consider policies and actions to further enhance respect for human rights and development of democracy (apart from other regular meetings on country situations)
35. Reiterates its call on the newly-appointed Commission to allocate to one its Members primary responsibility for human rights to ensure the coherence, consistency and transparency in the application of policies concerning human rights and democratisation, both within the outside the EC
36. Believes that this office should also ensure cooperation between the various Community institutions as well as the ECP/CFSP mechanisms and with international non-governmental organisations working in the field of human rights
37. Believes that although the Community's new policies often may not achieve rapid results, patience and persistence is needed, in the awareness that regression may take place,
38. Notes that this policy of human rights promotion is not unique to the Community but is mirrored in the evolution of policies at a national level and in other international fora,
39. Calls on the Community to stimulate the policy of integrating human rights into the programmes of international financial institutions, aid consortia, and UN agencies and affiliated bodies, and to ensure that these institutions implement internationally recognised human rights instruments in their policies and practices in a coordinated and coherent fashion,

#### External agreements

40. Believes that another central element in the EC's external policy is the incorporation of standardised human rights clauses in all future aid and trade agreements, not just in the preambles, but in the Articles to provide a firm and binding legal base for mutual action
41. Calls for human rights always to be an explicit part of the mandate given by Council to Commission for negotiations with third countries,
42. Proposes that all agreements with third countries should contain an appropriate mechanism with regard to human rights which becomes operational the moment that obvious breaches of human rights are ascertained,
43. Considers that where it is not possible to obtain agreement with a third country, the EC could state in a unilateral declaration the fundamental importance it attaches to human rights and the promotion of democratic values,

44. Calls for meetings of Association or Cooperation Councils established under Association or Cooperation Agreements to always include a human rights point on the agenda, with the participation of an EP spokesman on human rights, possibly with discussions in public, and for those Agreements to have written into them a provision that they may become suspended in the event of gross human rights abuses by any of the contracting parties,
45. Calls further in this connection for the procedural rules for Cooperation Councils to be modified
46. Recalls in this connection that in the debate on the protocols with certain Maghreb and Mashreq countries and Israel in January 1992 the Committees recommended the plenary to ask for a clear commitment from the Council and Commission to press for a regular investigation of the human rights situation during meetings of the Cooperation Council with partner countries, set up under the Protocol Agreements, with the possibility of suspension of the Protocols when appropriate,
47. Recalls that the resolution adopted expresses concern at the continuing violations of human rights in certain countries such as Syria, Israel, Algeria and Morocco and emphasises that cooperation with these countries should be reviewed and suspended if fundamental human rights are not better respected, or if they are not willing to discuss problems concerned with human rights during annual meetings of the Cooperation Councils,
48. Recalls that the Commission undertook to take into account these recommendations by Parliament and to take appropriate action in continuing or increasing human rights problems
49. Emphasizes that supporting the social and economic rights of people in the developing countries by means of a constructive and substantial development cooperation policy, with the stress on anti-poverty measures and training programmes, offers more possibilities in the long term than the postponement of cooperation agreements in the short term;

#### Budget

50. Notes that there is provision to support the EC's 'conditionality' and democratisation policy figure in the 1993 budget but believes that there will be a need for increased budgetary and human resources if these policies are to be credible and not merely to be seen as gesture spending, or restricted essentially to developing countries,
51. Notes that with regard to democratisation there are a number of established programmes such as the multi-annual rolling programme for the promotion of human rights and democratisation in Central America, but believes these programmes should be established on a more balanced world-wide basis,
52. Believes that annual allocations for such programmes should be subject to an evaluation to be carried out every year by a Committee of experts, at which Parliament should be represented,

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<sup>1</sup> EP Resolution on financial protocols adopted 15.1.92, OJ C39, 17.2.92, p.50.

53. Considers that in such programmes support should be given not only to training of the judiciary and other state personnel but that there should be strong support also of church groups, social forces and trade unions who have a vital role to play, including organisations defending the rights of local communities or those which support the victims of abuses and their relatives.
54. Recalls that by its resolution of 14 May 1992 Parliament called for the establishment of a "European Democracy Initiative", with appropriate budgetary provision,
55. Notes that the funds available are modest, by comparison for instance with funding from various sources in the United States, and calls on the Commission to take a global view in applying this policy rather than the more sectoral geographic view which has prevailed in the external relations sphere until now,
56. Calls for greater coordination amongst the various Commission departments which are responsible for attributing this funding, including greater accountability to Parliament, and believes that there should also be greater coordination with other national and international bodies with the same objectives,
57. Considers that to this end an EC inter-institutional working group should be established, involving, either as full participants or as consultants, a limited number of NGOs with a track record in the area of human rights,
58. Believes that the benchmarks of this policy should figure every year in the annual report by Commission to Council called for in the 28 November 1991 Declaration, and that this should also be part of the budget debate
59. Underlines the significance of the Commission's greatly increased role in the promotion of human rights protection around the world,

EPC/CFSP Memorandum

60. Welcomes the memorandum provided in 1992 by the Portuguese Presidency on the human rights activities of the Community and its Member States in the field of human rights, which helped to move forward the debate and the direction of Community human rights policy and made a number of significant proposals,
61. Notes that press communiques by the Twelve on human rights have become more forceful, as for example the declaration of 22 December 1992 on Cuba, which referred to the positions the Twelve had taken on Cuba at international fora, the negative reaction of the Cuban authorities to Troika representations in Havana about Sebastián Arcos, and mentioning the growing harassment of human rights militants such as Elizardo Sánchez and Yañez Pelletier,
62. Endorses the proposal in the memorandum that there should be a much strengthened regular dialogue and exchange on human rights between the Community institutions generally and Parliament and European Political Cooperation in particular,
63. Notes that the European Single Act calls for close association of the European Parliament with the work of European Political Cooperation,

64. Notes that, according to EPC, in their respective bilateral approaches Member States have been over the years increasingly taking into account human rights performances and democratic achievement when defining national bilateral cooperation policies,
65. Notes, however, that there have been glaring examples of Political Cooperation and the Commission and Member States not coordinating their actions sufficiently,
66. Notes that in future EPC/CFSP working groups will provide a summary drawing attention of the EPC political committee (consisting of the political directors of the Member States) to points the EP considers important for future action, and that the political committee - under the Maastricht draft treaty - will deliver opinions to the Council which will then decide, in any given situation, which matters will be the subject of joint action and what should be its scope and means,
67. Reiterates its call to the Council/EPC to submit an Annual Report on human rights action and policy for parliamentary debate and scrutiny in far more detailed form than the existing Memorandum which has been submitted annually by the Council/EPC hitherto,
68. Believes that there is a need to strengthen existing human rights monitoring mechanisms established within EPC/CFSP or COREPER, and that there should regularly be on the agenda of EPC/CFSP and COREPER/Council meetings a point to discuss the need for follow-up action and confidential diplomatic démarches
69. Is concerned about excessive military spending and transfer of police equipment, weaponry and personnel or training to abusive governments, and believes 'conditionality' should strictly apply to arms sales and that contracts should also be checked to see to what extent human rights violations are being encouraged, noting that this is in accordance with the operative guidelines of the EC Development Council Resolution on "Human rights, democracy and development" of November 1991,
70. Calls on the Twelve to make substantial cuts in their military spending and to propose to the developing countries that they do the same, drawing up international cooperation policies rewarding such choices; calls on the Twelve to develop as a matter of urgency a policy of sharp reductions, transparency and monitoring of arms and technology exports liable to be used for military purposes;

#### The wider Europe and CSCE

71. Stresses the primary role of the Council of Europe with regard to human rights in the wider Europe, recalling that the European Convention on Human Rights was founded in the belief that justice and peace were best maintained by an effective political democracy and 'a common understanding and observance of the human rights upon which they depend'

72. Notes that the standards set by the Council of Europe have been a major reference point for the newly democratising countries of Eastern and Central Europe and that technical expertise in drafting new Constitutions and legislation has been provided by experts from the Council of Europe's Human Rights Services
73. Reiterates its call for the European Community to adhere to the European Convention on Human Rights as proposed in the November 1990 communication from the European Commission,
74. Is profoundly disturbed that among the world's most tragic and brutal conflicts a number are taking place on the European continent, as in former Yugoslavia, and in the Caucasus region of the former Soviet Union, many of them countries which have signed the CSCE agreements,
75. Recalls that many important rights were affirmed in the June 1990 CSCE Copenhagen document, particularly with regard to minority rights, the right to representative government, and the duties of governments and public authorities, and believes that human rights must become a cornerstone of Europe's new architecture,
76. Recalls further that the CSCE Charter of Paris for a new Europe, also signed on behalf of the European Community, states that democracy under the rule of law and human rights is closely linked with prosperity through economic liberty and social justice and equal security.
77. Notes that the 'human dimension' has become an increasingly important part of the CSCE process, as recorded in the Final Declaration of the Helsinki II Conference, but believes that the focus must now be implementation rather than normative activity,
78. Believes that Europe, however defined, must work towards the establishment of a common European legal/human rights space, which at the broader level would apply to the 'CSCE area', but which would draw its inspiration from and be directly related to bodies such as the European Community and the Council of Europe,
79. Expresses its concern at the tensions which have developed between different European bodies and endorses the declaration of July 1991 by the European Council 'welcoming the readiness of the Council of Europe to put its experience at the service of CSCE', in the belief that the Council of Europe and CSCE must complement each other
80. Recalls that the Copenhagen meeting explicitly recognised the Council of Europe's contribution to the 'human dimension' and the Council of Ministers decided in Berlin that the Council of Europe should contribute to the 1991 Moscow meeting in its own right.
81. Regrets that the CSCE Oslo seminar on democratic institutions in November 1991 was significant only for the absence of progress made and pointed up the difficulties in establishing the role of the Warsaw-based CSCE Office for Democratic Institutions and Human Rights,

82. Notes that at the Council of Ministers meeting of the CSCE in Prague of January 1992 there was significant agreement to apply the 'consensus minus one' principle in the human rights domain, with the Council deciding that in order to develop further the CSCE's capability to safeguard human rights, democracy and the rule of law through peaceful means, that appropriate action may be taken by the Council or the Committee of Senior Officials, if necessary in the absence of the consent of the state concerned, in cases of clear, gross and uncorrected violations of relevant CSCE commitments,
83. Notes that the Council of Ministers of the CSCE decided at its Prague meeting to establish a rapporteur mission to Nagorno Karabakh, comprising the directors of the CSCE conflict prevention centre and the CSCE Office for Democratic Institutions and Human Rights and of representatives of certain countries,
84. Welcomes recent initiatives taken by the CSCE on the crisis in the former Yugoslavia, such as the sending of long term monitors to Kosovo, Sandzak and Vojvodina and the dispatch of fact-finding missions to Bosnia-Herzegovina, whose numbers should be increased,
85. Urges the CSCE to carry out its activities with greater transparency and to coordinate its work with other inter-governmental initiatives, noting that fact-finding and monitoring operations should be distinguished from those undertaken in the context of preventive diplomacy,
86. Supports the Helsinki II attempt made to transform the organisation into the primary forum for dealing with threats to peace in Europe, endowing CSCE with new machinery to provide early warning of conflicts, crisis management and even peace-keeping, as set out in the 76-page document, the Challenges of Change, adopted by 51 governments at Helsinki
87. Notes that among the first decisions taken further to this document was the dispatch of a mediation team to Georgia to arbitrate in the conflict with Ossetia and authorisation of similar CSCE missions to Nagorno Karabakh, Moldova and Estonia
88. Supports the establishment of CSCE as a 'regional' organisation under the UN Charter, thus able to coordinate peace-keeping efforts with those of the UN,
89. Believes that Helsinki II, despite its shortcomings, was the most useful review since the original agreement of 1975, and believes that 'preventive diplomacy' by means of conferences, fact-finding missions, mediation, disinterested arbitration and the outside policing of agreements, where there is little trust, can defuse tension and avert conflict.
90. Recalls that the Helsinki Final Act of 1975 made a specific link between respect for human rights and peace and stability in Europe, giving enormous encouragement to human rights activists in Eastern Europe.
91. Believes the CSCE 'human dimension' framework must now be consolidated and urges that the working methods of the CSCE mechanisms and institutions should be significantly more accessible to the public and non-governmental organisations, in particular its rapporteur missions, the Committee of senior officials and future implementation meetings of experts and government officials,

## Minorities

92. Notes that the problem of growing tension between ethnic groups and nationalities is obviously increasing both within Europe and throughout the world;
93. Recalls that whatever solution is reached in various cases to the problem of state sovereignty and frontiers, legal and political guarantees for the defence of ethnic, national, religious and linguistic minorities and the relevant human rights must be ensured in such a way that no-one suffers an overwhelming disadvantage as a result of belonging to a minority,
94. Recalls that protection of minorities was an essential EC pre-condition for the recognition of Slovenia and Croatia and lies at the heart of disputes in Moldavia, Nagorno-Karabakh and South Ossetia and recalls that the provision of adequate guarantees for minorities is one of the essential conditions for recognizing new states and establishing cooperation relations with them,
95. Recalls that 1993 has been nominated by the United Nations as the Year of the World's Indigenous Peoples and believes that the international community, national governments and the European Community should contribute to greater recognition of the special needs of indigenous peoples in terms of territorial, cultural, political and economic rights,
96. Supports the establishment of a CSCE High Commissioner or Ombudsman for Minority Rights
97. Affirms that issues concerning national minorities are matters of legitimate international concern, and recalls that the 29 June 1991 Declaration by the European Council highlights the importance of protecting minorities and also plays tribute to the leading role of the Council of Europe in the field of human rights,
98. Welcomes the adoption by the UN General Assembly of the Declaration on the Rights of Persons belonging to national or ethnic, religious and linguistic minorities in December 1992
99. Believes, however, that, notwithstanding the adoption of this important Declaration, there still is no internationally binding instrument with regard to the protection of minorities, and that an international system must be devised, possibly inspired within CSCE, for the active protection of minorities, noting also that Article 27 of the International Covenant on Civil and Political Rights is generally ignored,
100. Is equally concerned at the lack of legal protection for other traditionally marginalised groups such as women, sexual minorities and people with a physical or mental handicap, who in most countries lack sufficient legal protection to enjoy their human rights and dignity,
101. Recalls that many of today's nation states comprise different population groups each with an identity and a history of its own, with fewer than 10% of the approaching 200 UN Member States ethnically homogenous, and stresses that the demand for self-determination is not necessarily a demand for democracy,

102. Believes every effort must be made to ensure that in cases of rapid transition to democracy attention will be paid to giving guarantees for the rights of minorities,
103. Recalls that the Committee of Ministers of the Council of Europe has adopted the European Charter for Regional and Minority Languages in the form of a Council of Europe Convention opened for signing on 5 November 1992, and calls on those of the Twelve that have not yet done so to sign the convention without delay,

### Regional human rights systems

104. Reaffirms the importance of regional human rights mechanisms such as CSCE, the OAU, the OAS, but notes that these regional mechanisms vary widely in their effectiveness and that not all the signatory states are fully bound by the relevant Conventions,
105. Believes that while regional mechanisms will display a greater awareness of the cultural specificity of each region, they must all subscribe to the internationally accepted tenets and provisions of international human rights law,
106. Believes that these regional mechanisms can be strengthened, that the Community can be a positive force in this respect, and that it can also seek the emergence of regional mechanisms in those parts of the world where they have not yet been established,
107. Believes that there can be no derogations from international standards for religious or other reasons and mentions in this connection the dangers of any Middle East code of ethics reflecting the growth of fundamentalist beliefs,
108. Believes that no specific provision based on national, cultural or religious factors can validly be invoked to detract from the principles established by the international Bill of Human Rights,
109. Believes that international bodies should not hesitate to say so explicitly when they feel that regional human rights mechanisms are ineffectual or misguided,
110. Believes that the link between human rights, democracy and development could shape North-South relations in the 1990s and that well-designed development assistance does directly or indirectly help to create an environment conducive to respect for human rights,
111. Notes that 1992 marks the tenth anniversary of the African Charter on Human Rights, and believes there should be considerable efforts to improve its working methods, particularly to improve its 'reporting' procedure,
112. Believes that the African Commission will not be able to evolve without substantial programme of assistance.
113. Recalls that at the September 1992 meeting of the EP-ACP Assembly, significant divergences of view emerged between EP delegates and their ACP partners on the inter-relationship between human rights, democracy and development cooperation, and that for the first time a General Rapporteur withdrew his draft resolution<sup>1</sup>

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<sup>1</sup>Report on Human Rights, Democracy and Development  
(Rapporteur M. Pons Grau)

114. Recalls in this connection that at the non-aligned summit in Djakarta in September 1992, strong emphasis was placed on the differences of perception about human rights in different parts of the world with the "Message of Djakarta" stating that no country may use its power to impose on other countries its conception of democracy and protection of human rights"; considers, however, that there are fundamental universal principles with regard to democracy and respect for human rights that are applicable in all circumstances;
115. Notes that there is the lack of a structure to support and promote human rights in Asia and the Pacific, and that this is also the case in the Middle East and Arab world,
116. Regrets that the fact that women in Middle Eastern countries such as Iran and Saudi Arabia are deprived of their fundamental social and political rights is not always taken into account in the EC's political relations with these countries;
117. Notes that there are now 23 states which are party to the American Convention and 14 of these states recognise the binding competence of the Court
118. Recalls the conclusions on the Dublin European Council (June 1990) on human rights and good governance in Africa and of the Rome European Council (December 1990) on the promotion of democracy and human rights in external relations,
119. Recalls further that the conclusions of the Council meeting of 19 December 1990 on a restructured Mediterranean policy contains a Declaration of observance of human rights and the fostering of democratic values and that the conclusions of the same meeting contained a substantial addition on human rights and democracy in Latin America and Asia,
120. Notes that human rights feature increasingly on the agenda of meetings between EC Member States and other governments such as the EC Central American ministerial meeting in March 1991 and the EC-ASEAN Ministerial meeting in May, and are a feature of the current trade negotiations with ASEAN,
121. Warns of the danger of bogus human rights committees being established in third countries, and calls on the Commission and EC governments to scrupulously examine how support for human rights bodies in third countries or regions is channelled and applied, and to regularly assess the impact and results of such support,

#### United Nations

122. Notes that the current international situation requires concerted participation by the UN Member States and that action to draw up and implement strategies and measures to maintain international peace and security must be undertaken by the EC, where necessary and possible, jointly with the UN;

123. Recalls in this connection the UN's role in Cambodia where the United Nations transitional authority is to run the country until the April 1993 elections, and its involvement in resolving long-standing conflicts in Afghanistan, Angola, El Salvador, Western Sahara, Cyprus and Lebanon,
124. Is gravely concerned that the scale of such tasks now being entrusted to the UN, such as the constitutional transition in Cambodia, is such that the present budgetary resources allocated to the UN are woefully inadequate, and notes that funding for the UN Human Rights Centre in Geneva amounts to no more than 1% of the total UN budget, and that there are only 45 permanent staff at the Geneva Centre,
125. Believes that the new responsibilities entrusted to the UN can only be faithfully discharged if it has additional budgetary means and there is some resolution of the current UN financial crisis,
126. Considers that the 'safe havens' policy applied to the Kurds in Iraq under UN Resolution 688 could be applied in other zones of conflict.
127. Affirms that whilst not underestimating the importance of the international 'Bill of Rights' (the Universal Declaration and UN Covenants), the emphasis so far of the international community has been on standard setting and that in the future the accent must be on action-oriented ways to implement or enforce these UN instruments,
128. Reaffirms its firm attachment to the principles of the 1951 Geneva Convention, but believes there is a need to draw up an international agreement on fair and satisfactory asylum procedures which should also address the situation of those refugees or displaced persons who need temporary protection,
129. Believes there is an urgent need to revise the Geneva Conventions on Refugees, and believes further that a new convention is required to deal with the category of 'displaced persons', in particular for people from war zones or from areas where there is widespread violence, and that the internationally recognised principle of non-refoulement set out in the 1951 Geneva Convention relating to the status of refugees is now under threat,
130. Considers that international conventions on the human rights of displaced persons and refugees should also include the human rights of internal refugees,
131. Calls for the establishment of a High Commissioner for Human Rights, analagous to the High Commissioner for Refugees, who should have a flexible mandate covering all areas of human rights and the authority and independence to act effectively in human rights crises, to develop new methods of human rights protection and to coordinate and integrate human rights activities into other areas of the UN's work,
132. Considers that the initiative to establish such a High Commissioner for human rights, conceivably by the UN World Conference on Human Rights, should be complemented by a programme of reform and reinforcement of the existing UN human rights mechanisms, notably the field mechanisms of the UN Commission on Human Rights and the Treaty bodies which monitor the implementation of the International Human Rights Treaties,

133. Notes that the politicisation of the UN's human rights bodies has persisted with members of regional blocks frequently closing ranks to protect an accused member of their own group at UN meetings,
134. Notes, however, that in 1992 of the various country situations put forward to the UN Commission, three countries in sub-Saharan Africa were considered under the confidential procedure and it was announced that at least one other would be moved to public scrutiny if there was no significant improvement in the human rights situation, making this effectively the first year that African countries had failed to block moves to 'blacklist' OAU members,
135. Believes the functioning of the UN human rights system and implementation and supervisory matters will be examined at the UN World Conference on Human Rights to take place in Vienna in June 1993, and believes the position of the European Parliament should be represented at that Conference by a delegation from its Human Rights Subcommittee,
136. Stresses in particular the role of parliaments in implementing human rights and calls for this topic to be included in the conference,
137. Notes that there is currently consideration of an emergency mechanism of the UN Commission, similar to the two emergency sessions on the former Yugoslavia held in August and November 1992,
138. Recalls that the EC have always greatly valued the UN Advisory Services and Technical Assistance Programme which was considered important as a potential preventive mechanism and as a way of assisting countries in the transition to democracy and the rule of law,
139. States clearly, however, that it does not view consideration of country situations under this programme as an alternative in cases of gross and systematic violation of human rights, and regrets the tendency at the UN Commission to remove items from the agenda and include them in the advisory services programme,
140. Reaffirms its conviction of the importance of education and training and recalls that essentially the role of the UN Commission is not that of a Tribunal, but one of promotion and protection of human rights, in addition to public scrutiny of situations of gross violations,
141. Recalls nevertheless that much progress has been made at the UN where originally it was impossible to mention a country by name and no letters citing human rights abuses were 'receivable', that 15-20 years ago no countries would have opened their doors to a Special Rapporteur, and that the principle of non-interference (Art. 2.7 of UN Charter) is no longer a protective barrier
142. Believes that serious consideration should once again be given to the establishment of an International Court of Human Rights, with mechanisms similar to those of the European Court of Human Rights or the Inter-American Tribunal, as has been proposed at the United Nations in connection with the atrocities committed in the former Yugoslavia,

143. Considers it essential that international observers be present at any legal proceedings concerning human rights violations which may take place in ex-Yugoslavia

### Activities of the European Parliament

144. Believes that the European Parliament has acquired a certain perceived authority in the sphere of human rights, that it is the most appropriate Community body to discharge this function, and that it is the privilege of a Parliament to ask questions and say things a government cannot,
145. Considers that the EP should further strengthen its action in the field of human rights because of the evolving 'conditionality' policy, with the evolution of human rights policy as a constituent part of the treaties, Parliament's power under the Single European Act to withhold its 'assent' under Article 238 (which may be extended further under the Maastricht Treaty) and to block agreements with third countries on human rights grounds,
146. Notes also that under Article 228 Parliament may withhold its assent for a wider range of cooperation agreements - assent which it may withhold for reasons of, amongst others, serious human rights violations in countries with which the Council has signed agreements,
147. Notes that Parliament has continued to constantly increase its 'case work' as well as than dealing with situations, and that this requires considerable resources, which are at present insufficient
148. Welcomes the system of annual reports on human rights in the Community to be drawn up under the auspices of the Committee of Civil Liberties and Internal Affairs,
149. Believes that directly-elected legislatures are symbolic of an open society governed by the rule of law and parliamentarians are in a unique position to formulate policies aimed at improving human rights conditions and encouraging democratisation, and have an obligation to express themselves, when appropriately informed, on situations of human rights abuse,
150. Affirms that the scrutiny of EC programmes to support and promote democratisation and the development of civil society should be a major part of the remit of its Subcommittee on Human Rights
151. Notes that it is in large measure because of the work of NGOs and individuals (collectively represented by parliamentarians) that governments have begun to look more seriously at the human rights aspects of foreign policy, development cooperation and external economic relations,
152. Notes that there are attested cases of individuals released from detention as a result of pressure from Parliament, and that former political prisoners have paid tribute to the work of Parliament as one of many bodies which has highlighted the plight of a particular individual or a particular human rights problem and embarrassed a government into resolving that situation
153. Pledges that it will continue to use the means at its disposal, both formal and informal, to press for the resolution of human rights problems, in particular by its inter-Parliamentary delegations and the Joint Parliamentary Committees which should establish procedures to raise human rights as a fixed agenda item,

154. Decides to pursue greater coordination with other national and international bodies concerned with human rights, both within and outside the European Community, as well as with the Commission and European Political Cooperation
155. Calls on the Commission and on the President-in-Office of the Foreign Ministers meeting in European Political Cooperation (in accordance with paragraph 7(2) of the Decision of 28 February 1986), formally to submit observations on this resolution.
156. Instructs its President to forward this resolution to the Commission, the Council, the Foreign Ministers meeting in European Political Cooperation, the Council of Europe, the Secretary-General of the United Nations and the governments of all the countries mentioned in this motion for a resolution.

