

EUROPEAN PARLIAMENT

Working Documents

1983-1984

18 April 1983

DOCUMENT 1-83/83/I

Report

drawn up on behalf of the Political Affairs Committee
on human rights in the world

General rapporteur: Mr Gérard ISRAEL

Co-rapporteurs : Mr A. CARIGLIA
Mr J. GAWRONSKI
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Mrs M. LENZ
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- VOLUME I -

PE 81.813/fin./I



By letter of 22 May 1981 the Political Affairs Committee requested authorization to draw up a report on human rights in the world.

By letter of 30 June 1981, the committee was authorized to draw up a report on this subject.

The following motions for resolution were referred to the Political Affairs Committee by plenary under Rule 47 of the Rules of Procedure at its sittings on:

- 16 November 1981, motion for a resolution tabled by Mr VAN MIERT on the trial and conviction of Rudolf BATTEK (doc.1-444/81),
- 16 December 1981, motion for a resolution tabled by Mrs BOOT and others on Ethiopian children in Cuba and the GDR (doc.1-867/81),
(Committee asked for its opinion: Committee on Development and Cooperation),
- 16 December 1981, motion for a resolution tabled by Mrs LIZIN and others on the situation of the people of Eritrea (doc.1-881/81),
(Committee asked for its opinion: Committee on Development and Cooperation),
- 21 January 1982, motion for a resolution tabled by Mr GONDIKAS and others on the violation of human rights of the Greek minority in Albania (doc.1-947/81),
- 12 March 1982, motion for a resolution tabled by Mr GLINNE on the situation in Uruguay (doc.1-879/81/rev.),
- 19 April 1982, motion for a resolution tabled by Mr VAN MIERT on the abduction of Serge BERTEN in Guatemala (doc.1-108/82),
- 11 March 1980, motion for a resolution tabled by Mr JAQUET and others on action to secure respect for human rights (doc.1-841/79),
- 16 June 1982, motion for a resolution tabled by Mr CAPANNA on the fate of Father EDICIO DE LA TORRE (doc.1-365/82),
- 6 July 1981, motion for a resolution tabled by Mr VANDEMEULEBROUCKE on the situation in Kosovo (doc.1-337/81),
- 17 September 1981, motion for a resolution tabled by Mr ISRAEL and others on the situation in Kosovo, Yugoslavia (doc.1-500/81),
- 17 September 1982, motion for a resolution tabled by Mrs THEOBALD-PAOLI, and others on the charges made against the KOR militants by the Polish authorities (doc.1-619/82),
- 19 December 1980, motion for a resolution tabled by Mr GLINNE and others on the defence of the rights of American Indians in the face of the genocide being perpetrated against them (doc.1-767/80),

- 5 July 1982, motion for a resolution tabled by Mrs THEOBALD-PAOLI on the denunciation of the violations of the provisions contained in the Final Act of the Conference of Helsinki (doc.1-416/82),
- 17 November 1982, motion for a resolution tabled by Mr PEDINI and others on events in Uruguay (doc.1-874/82),
- 17 November 1982, motion for a resolution tabled by Mr LUSTER and others on the establishment of human rights in Uganda (1-875/82),
- 13 December 1982, motion for a resolution tabled by Mr MOORHOUSE on the disappearance in Uganda of Stephen Mulira and Beatrice Kyomugisha (doc.1-948/82),
- 12 January 1983, motion for a resolution tabled by Mr LOMAS on the Sioux Indians of the Black Hills, USA (doc.1-1067/82),
- 7 March 1983, motion for a resolution tabled by Mr WEDEKIND and others on the fate of pastor Alfonsas SVARINSKAS (doc.1-1272/82),
- 7 March 1983, motion for a resolution tabled by Mr HABSBURG and others on the measures taken by Romania with regard to the freedom of movement of its citizens (doc.1-1282/82),
- 13 September 1982, motion for a resolution tabled by Mrs THEOBALD-PAOLI on greater respect for human rights and public freedoms in Brazil and the defence of two priests and thirteen farm workers held in prison (doc.1-530/82),
- 15 November 1982, motion for a resolution tabled by Mrs VAN HEMELDONCK and Mrs VIEHOFF on the imprisonment of Czechoslovak citizens (doc.1-825/82),
- 13 December 1982, motion for a resolution tabled by Mr LOMAS on human rights in the Philippines (doc.1-934/82),
- 17 November 1981, motion for a resolution tabled by Mr GLINNE on the situation in Iran (doc.1-748/81),
- 19 April 1982, motion for a resolution tabled by Mr ENRIGHT on the plight of the Iranian people under the regime of Ayatollah Khomeini (doc.1-111/82), (Committee asked for its opinion: Committee on Youth, Culture, Education, Information and Sport),
- 5 July 1982, motion for a resolution tabled by Mr de la MALENE on the situation of the Bahai Community in Iran (doc.1-381/82),
- 13 December 1982, motion for a resolution tabled by Mr GLINNE on arbitrary arrests in Iran (doc.1-634/82),
- 26 October 1979, motion for a resolution tabled by Mr GHERGO and others on the fate of the Kurdish people (doc.1-437/79/rev.),
- 19 September 1980, motion for a resolution tabled by Mr ALMIRANTE and others on the genocide of the Kurdish people in Iran (doc.1-413/80).

At its meeting on 27-29 January 1982 the Political Affairs Committee appointed Mr Gérard ISRAEL as general rapporteur with Mr Antonio CARIGLIA, Mr Jas GAWRONSKI, Mrs Ien van den HEUVEL, Mrs Marlene LENZ, Mr Jean PENDERS and Mr Derek PRAG as co-rapporteurs.

At its meetings on 19-21 January 1983, 22-24 February 1983 and 14-16 March 1983 the committee considered the draft report. It adopted the motion for a resolution as a whole at the latter meeting by 24 votes to 2 with no abstentions.

The following took part in the vote: Mr RUMOR, chairman, Mr HAAGERUP, first vice-chairman, Mr FERGUSSON, third vice-chairman, Mr ISRAEL, general rapporteur, Mr CARIGLIA and Mr PENDERS, co-rapporteurs, Mr BEYER DE RYKE (deputizing for Mr DONNEZ), Mr BOURNIAS, Mrs CHARZAT (deputizing for Mr MOTCHANE), Mr DESCHAMPS, Mr EPHREMIDIS, Mr FELLERMAIER (deputizing for Mr B.FRIEDRICH), Mr FRÖH (deputizing for Mr KLEPSCH), Mr HABSBURG, Mr HÄNSCH, Mr von HASSEL, Mr LALOR, Mr LOMAS, Mr MAJONICA (deputizing for Mrs LENZ), Mr MARCK (deputizing for Mr D'ORMESSON), Mr van MINNEN (deputizing for Mrs van den HEUVEL), Mr NEWTON DUNN, Mr NORMANTON (deputizing for Lord BETHELL), Lord O'HAGAN, Mr PLASKOVITIS, and Mr SCHALL.

The opinion of the Committee on Development and Cooperation is attached.

The opinion of the Committee on Youth, Culture, Education, Information and Sport on document 1-111/82 is attached.

This report was tabled on 22 March 1983.

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1. Countries which have close ties with the Community, and South Africa (Mr Antonio CARIGLIA).
2. Countries of the American Continent (Mr Jas GAWRONSKI).
3. Countries of Asia and Australasia (Mrs Ien van den HEUVEL).
4. African countries and Middle Eastern countries which are not party to the Lomé Convention and do not have preferential agreements with the Community (Mrs Marlene LENZ).
5. Lomé Convention countries (Mr Jean PENDERS).
6. Countries which have signed the Helsinki Final Act and Albania (Mr Derek PRAG).

III (1)

- Annex I Motions for resolution concerning human rights referred by plenary to the Political Affairs Committee.
- Annex II Summary of the activities of EP delegations with regard to human rights.
- Annex III List of countries covered by each co-rapporteur.
- Annex IV List of Parliament's resolutions, oral and written questions and petitions submitted concerning human rights from July 1979 to December 1982.
- Annex V Universal declaration on Human Rights.
- Annex VI International Covenant on Civil and Political rights, and International Covenant on Economic, Social and Cultural rights.
- Annex VII European Convention for the Protection of Human Rights and Fundamental Freedoms.

(1) This report is printed as three separate documents.

A

The Political Affairs Committee hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

on human rights in the world

The European Parliament,

- Having regard to the following motions for resolution:
 - motion for a resolution tabled by Mr VAN MIERT on the trial and conviction of Rudolf BATTEK (doc.1-444/81),
 - motion for a resolution tabled by Mrs BOOT and others on Ethiopian children in Cuba and the GDR (doc.1-867/81),
 - motion for a resolution tabled by Mrs LIZIN and others on the situation of the people of Eritrea (doc.1-881/81),
 - motion for a resolution tabled by Mr GONDIKAS and others on the violation of human rights of the Greek minority in Albania (doc.1-947/81),
 - motion for a resolution tabled by Mr GLINNE on the situation in Uruguay (doc.1-879/81/rev.),
 - motion for a resolution tabled by Mr VAN MIERT on the abduction of Serge BERTEN in Guatemala (doc.1-108/82),
 - motion for a resolution tabled by Mr JAQUET and others on action to secure respect for human rights (doc.1-841/79),
 - motion for a resolution tabled by Mr CAPANNA on the fate of Father EDICIO DE LA TORRE (doc.1-365/82),
 - motion for a resolution tabled by Mr VANDEMEULEBROUCKE on the situation in Kosovo (doc.1-337/81),
 - motion for a resolution tabled by Mr ISRAEL and others on the situation in Kosovo, Yugoslavia (doc.1-500/81),
 - motion for a resolution tabled by Mrs THEOBALD-PAOLI and others on the charges made against the KOR militants by the Polish authorities (doc.1-619/82),
 - motion for a resolution tabled by Mr GLINNE and others on the defence of the rights of American Indians in the face of the genocide being perpetrated against them (doc.1-767/80),

- motion for a resolution tabled by Mrs THEOBALD-PAOLI on the denunciation of the violations of the provisions contained in the Final Act of the Conference of Helsinki (doc.1-416/82),
- motion for a resolution tabled by Mr PEDINI and others on events in Uruguay (doc.1-874/82),
- motion for a resolution tabled by Mr LUSTER and others on the establishment of human rights in Uganda (doc.1-875/82),
- motion for a resolution tabled by Mr MOORHOUSE on the disappearance in Uganda of Stephen Mulira and Beatrice Kyomugisha (doc.1-948/82),
- motion for a resolution tabled by Mr LOMAS on the Sioux Indians of the Black Hills, USA (doc.1-1067/82),
- motion for a resolution tabled by Mr WEDEKIND and others on the fate of Pastor Alfonsas SVARINSKAS (doc. 1-1272/82),
- motion for a resolution tabled by Mr HABSBURG and others on the measures taken by Romania with regard to the freedom of movement of its citizens (doc.1-1282/82),
- motion for a resolution tabled by Mrs THEOBALD-PAOLI on greater respect for human rights and public freedoms in Brazil and the defence of two priests and thirteen farm workers held in prison (doc.1-530/82),
- motion for a resolution tabled by Mrs VAN HEMELDONCK and Mrs VIEHOFF on the imprisonment of Czechoslovak citizens (doc.1-825/82),
- motion for a resolution tabled by Mr LOMAS on human rights in the Philippines (doc.1-934/82),
- motion for a resolution tabled by Mr GLINNE on the situation in Iran (doc.1-748/81),
- motion for a resolution tabled by Mr ENRIGHT on the plight of the Iranian people under the regime of Ayatollah Khomeini (doc.1-111/82),
- motion for a resolution tabled by Mr de la MALENE on the situation of the Bahai Community in Iran (doc.1-381/82),
- motion for a resolution tabled by Mr GLINNE on arbitrary arrests in Iran (doc.1-634/82),
- motion for a resolution tabled by Mr GHERGO and others on the fate of the Kurdish people (doc.1-437/79/rev.),
- motion for a resolution tabled by Mr ALMIRANTE and others on the genocide of the Kurdish people in Iran (doc.1-413/80).

- Having regard to the resolutions adopted by Parliament since 17 July 1979 concerning human rights (listed in Annex IV)⁽¹⁾,
- Having regard to the report of the Political Affairs Committee and to the opinions of the Committee on Development and Cooperation and the Committee on Youth, Culture, Education, Information and Sport (doc.1-83/83).

- A. Believing that the protection of human rights and fundamental freedoms is an essential and indispensable task both for political authorities and for the public at large;
- B. Convinced that no government or form of government can be justified if it denies basic human rights to its peoples;
- C. Convinced that no end can be justified if the means to reach it involved the suppression, even as an interim measure, of basic human rights;
- D. Believing that it is a primary role of all Parliaments to strive to promote and to defend human rights and fundamental freedoms;
- E. Convinced that in so doing they are responding to steadily growing public concern about human rights issues, reflected in part by the impressive growth of membership, during the past ten years, of non-governmental organisations specifically concerned with the protection of human rights;
- F. Whereas the countries of the European Community, under the UN Charter, have a duty within the international community to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion;
- G. Whereas these human rights and fundamental freedoms have been clearly defined in the Universal Declaration of Human Rights⁽²⁾ adopted by the UN General Assembly on 10 December 1948, and the International Covenants on Civil and Political rights⁽³⁾ and on Economic, Social and Cultural rights⁽³⁾ which entered into force in 1976;

(1) It should be noted that matters concerning human rights in the countries of the European Community fall within the competence of the Legal Affairs Committee; the Political Affairs Committee is competent for human rights matters in Third countries.

(2) See Annex V

(3) See Annex VI

- H. Whereas all European Community countries are High Contracting Parties to the European Convention for the Protection of Human Rights and Fundamental Freedoms⁽¹⁾ of 4 November 1950 and the Additional Protocol of 20 March 1952;
- I. Recalling the terms of the Declaration on the European Identity made by the Heads of State or of Government of the Community Member States in December 1973, the Joint Declaration on Fundamental Rights, signed in April 1977 by the Parliament, the Council and the Commission, and the Declaration on Democracy made by the European Council in April 1978;
- J. Whereas all Community Member States and the Community as such were signatories of the Final Act of the Conference on Security and Cooperation in Europe in Helsinki on 1 August 1975;
- K. Conscious that the European Parliament as an outward looking multinational Parliament is seen by citizens throughout the world as having a particular role to play in drawing attention to violations of human rights and fundamental freedoms;
- L. Mindful of the steadily increasing number of such violations being brought to the attention of the European Parliament, leading to the creation by its Political Affairs Committee in 1980 of a Working Group on Human Rights to examine these matters in detail;
- M. Whereas since its direct election in July 1979 the European Parliament has passed more than 70 resolutions and taken up in a variety of other ways a large number of cases involving violations of human rights;
- N. Conscious of the importance of publicity and public condemnation where violations of human rights are concerned;
- O. Convinced that far more could be achieved if other Community institutions gave higher priority to human rights, and regretting in this connection the paucity of information provided to Parliament, by the Commission, Council, and in particular, the Foreign Ministers meeting in Political Cooperation, notably in response to written and oral questions;

(1) See Annex VII

- P. Regretting that there is no clearly defined Community human rights policy with respect to Third countries, although on occasion the Community has taken steps to limit cooperation with Third countries where it was felt that fundamental human rights were being violated, or where aid was not reaching those for whom it was destined;
- Q. Conscious of the impact that the countries of the Community can make if they take a common position on human rights issues, as has been increasingly the case in international fora such as the United Nations and the CSCE Review Conferences in Belgrade and Madrid;
- R. Regretting nonetheless that human rights concerns have not figured more prominently in the context of European Political Cooperation, and that the Foreign Ministers have not more frequently taken concerted action over human rights issues;
- S. Regretting that the Foreign Ministers meeting in European Political Cooperation in 1981 rejected the request of the Working Group on Human Rights and the Political Affairs Committee that the President-in-Office should submit an annual report to Parliament on human rights in the world, similar to the US State Department's annual report to the US Congress;
- T. Regretting that many Governments consider Community denunciations of human rights violations as an unjustified interference in the internal affairs of other countries, but convinced that where violations of human rights are concerned the Community has a duty to make its position clear;
- U. Aware that not all governments take the same view about what constitute fundamental human rights and that some would regard social and economic rights as more important than civil and political rights, and furthermore would consider development to be a fundamental right;
- V. Convinced that although these different categories of rights are interlinked, respect for civil and political rights is one of the conditions of development and that the systematic violations of human rights leads to unstable government and impedes social and economic progress;

- W. Reaffirming in this connection that fundamental human rights are universal and that the Community has a duty to encourage respect for these rights - particularly in countries with which it has close ties;
- X. Recalling that at its meeting of 21 June 1977 the Council agreed to take steps within the framework of its relations with a particular ACP country, to ensure that any assistance given by the Community to this state under the Lomé Convention would under no circumstances help to intensify or prolong the deprivation of fundamental rights of the people of that country;
- Y. Welcoming the progress made towards the establishment of regional human rights conventions in various parts of the world, most notably the American Convention on Human Rights which entered into force in 1978 and the adoption in 1981 by the Heads of State and government of the OAU of the African Charter on Human and People's Rights;
1. Expresses its most profound concern that during 1982 there was evidence of gross and systematic violations of human rights in a significant number of countries in the world, and that in the majority of instances these violations were perpetrated by governments or their agents.
 2. Draws particular attention to and condemns unreservedly the following violations of human rights considered by the 6 co-authors⁽¹⁾ of this report to be among the most serious:
 - (1) Countries which have close ties with the Community, and South Africa⁽²⁾
 - a. The widespread violation of human rights in South Africa arising from an aberrant social system based on a legal code which sanctions the predominance of the white over the non-white populations. This system has resulted in the detention of prisoners of conscience, imprisonment without trial, torture and the subjection of detainees to inhumane conditions and treatment, and in the frequent use of the

(1) A list of the countries covered by each co-rapporteur is contained in Annex III

(2) Co-rapporteur: Mr Antonio CARIGLIA

- the death penalty for persons convicted of homicide and other serious acts of violence. In addition, notwithstanding the demands of the United Nations, South Africa continues to wield power in Namibia, where it pursues a policy of brutal repression.
- b. The detention of numerous opponents of the Syrian regime or of mere suspects, held without trial, tortured and killed under cover of the state of emergency which has been enforced since 1963. The bloody repressive measures adopted by the government in February 1982, which claimed hundreds, if not thousands, of victims in the city of Hama.
 - c. The systematic violation of human rights in Turkey by the military government, notwithstanding the adoption in November 1982 of a new constitution guaranteeing fundamental human rights and the accession of Turkey to the European Convention of Human Rights. Thousands of opponents of the regime are still in prison, including countless trade union leaders.
 - d. The failure fully to respect human rights and fundamental liberties in Tunisia, Algeria, Morocco, Jordan and in Egypt, where there have recently been mass arrests.
 - e. The violation of human rights in the territories occupied by Israel, albeit against a background of continuous warfare and notwithstanding Israel's strong democratic institutions and popularly elected government. Israel bears at least the moral responsibility for the Sabra and Chaitila massacres.

(II) Countries of the American Continent⁽¹⁾

- a. The use of brutal methods of repression including the killing of large numbers of civilians among them many children, in El Salvador and Guatemala and the practice of political assassination in those countries.
- b. The continued use of torture and imprisonment without trial, the denial of basic democratic rights and civil liberties which in varying degrees characterise Argentina, Chile, Cuba, Paraguay and Uruguay.

⁽¹⁾ Co-rapporteur: Mr Jas GAWRONSKI

- c. The disappearance of thousands of people, including children, in Argentina and Chile, most of whom, following the discovery of mass graves in Argentina, must be presumed to be dead.
- d. The disregard for the rights of the indigenous people practised or connived at by the authorities in Brazil, Nicaragua and Paraguay.
- e. The widespread harrassment of the press, trade unions, churches and individuals even in countries with some pretensions to democracy.

(III) Countries of Asia and Australasia ⁽¹⁾

- a. The violations of human rights and fundamental freedoms in China on a considerable scale, including the use of the death penalty, though the situation has improved since chairman MAO's death in 1976.
- b. The gross violation of human rights in Afghanistan in direct consequence of the war in that country following the Soviet invasion of 1979.
- c. The use by the governeemt of Pakistan of arbitrary arrest, summary judicial procedures and torture as part of a general pattern of repression.
- d. The continued occupation of Kampuchea and Laos by Vietnam and the consequent deprivation of the people of those countries of their political and civil liberties on a national scale.
- e. The detention without trial in Vietnam in re-education camps of thousands of members of the former administration.
- f. In North Korea the detentions without trial, inhuman treatment of prisoners and non-respect of basic political and civil freedosm.
- g. The extensive use of the death penalty in South Korea for political offences as part of a general pattern of repression.
- h. The illegal arrests, torture, "disappearances" and killings which have continued in the Philippines despite the lifting of martial law in 1981.

(1) Co-rapporteur: Mrs Ien van den HEUVEL

- i. In Indonesia, the continuing detention of people arrested in connection with the 1965 coup attempt, the imprisonment without trial, and the particularly repressive policies pursued in East Timor including mass detentions and summary executions.
 - j. The detention without trial for their political beliefs of citizens in Taiwan and Thailand, and in Malaysia, where the death penalty is extensively used.
- (IV) African countries and Middle Eastern countries which are not party to the Lomé Convention and do not have preferential agreements with the Community⁽¹⁾
- a. The mass executions in Iran.
 - b. Torture and cruel and degrading treatment, especially in Iran, Iraq, Libya, Mozambique and Angola, but also in application of Islamic Law in the Emirates and North and South Yemen.
 - c. Arbitrary arrest and imprisonment and refusal of the right to a fair trial, especially in Iran, Iraq and Libya.
 - d. The withholding of civil and political rights, eg. freedoms of the press, freedom of assembly and freedom of movement, in all the countries of the Group in question; in particular, the severe restriction of religions (especially in Iran, where countless adherents of the Bahai sect have been executed); also the action, in contravention of international law, by Iranian embassies against 'antirevolutionary persons' living in Community States, in particular students, with refusal to extend the validity of passports.
 - e. Restriction, in accordance with Islamic Law of the rights of women, especially in Iran, the Emirates and Saudi Arabia.
- (V) Lomé Convention Countries⁽²⁾
- a. The violations to a greater or lesser degree of basic human rights and fundamental freedoms in many ACP countries, in certain of which these violations could be considered to be 'gross and systematic', most notably in Ethiopia, Guinea and Uganda⁽³⁾.

(1) Co-rapporteur: Mrs Marlene LENZ

(2) Co-rapporteur: Mr Jean PENDERS

(3) The rapporteur was not prepared to single out individual countries in this group for criticism. His detailed policy conclusions are included in the explanatory memorandum.

(VI) Countries which have signed the Helsinki Final Act and Albania ⁽¹⁾

- a. The persistent breaches of human rights in all countries of the Warsaw Pact and Albania, ranging from the total Stalinist rigidity of Romania, through the continued totalitarianism of the Soviet Union, to the relative - but only relative - liberalisation of Hungary and (before the imposition of Martial Law) Poland.
- b. The persistent breach by all of those countries of every single human right provision of the Helsinki Final Act.
- c. The refusal to allow the existence of free trade unions, and the suppression of Solidarnosc in Poland, the only Warsaw Pact country in which they have been able to emerge.
- d. In Poland, the continued suppression of human rights, which had been developing faster than in any other Warsaw Pact country, during the continued imposition of martial law.
- e. The deliberate concealment of the multifarious violations of human rights by the widespread use of such charges as "Slandering the state".
- f. The preferring of false charges, such as "illegal currency dealing", totally unrelated to the real reason for detention, against those who fight for human rights, who publicly express their religious views and seek to practice their religion freely.
- g. The resurgence - particularly since the troubles in Poland - of attempts at thought control reminiscent of Stalinism, for example in Czechoslovakia, where prison sentences of between 20 months and 7 years are agains being imposed for "expressing incorrect views", or failure to "conform to societal norms".
- h. The deliberate persecution in all Warsaw Pact countries, of those who attempt to monitor the application of the Helsinki Final Act.
- i. The use of psychological institutes effectively as prisons, to which those who fight for human rights are arbitrarily banished and often held incommunicado.

(1) Co-rapporteur: Mr Derek PRAG

- j. The continued refusal - applied with increasing strictness in the Soviet Union, but now also in other Warsaw Pact countries, even in those where it had earlier been eased - to allow freedom of movement within the national borders or travel abroad, except to restricted categories such as reliable Communist party members and performing artists.
 - k. The continued withholding of visas to leave the country for political or religious reasons, especially in the Soviet Union.
 - l. The continued flagrant racial discrimination, notably in the Soviet Union against Germans, Jews, the Crimean Tartars and other national minorities.
3. Calls on the President-in-Office of the Foreign Ministers meeting in European Political Cooperation to make a written statement to the Political Affairs Committee outlining what action, if any, has been taken or will be taken at Community level with regard to the violations cited above.

Community Policy

- 4. Calls on the Commission to draw up proposals to incorporate human rights considerations into Community external relations and development policies, with a view to the gradual establishment of a comprehensive and consistent Community human rights policy.
- 5. Calls on the Commission to make provision in the 1984 Budget for awareness-building projects in the field of human rights, particularly in schools and universities, and for the creation of rehabilitation centres for refugees who have suffered torture and inhuman treatment.
- 6. Calls on the Commission to study ways in which the Community can contribute in the development of the HURIDOCs⁽¹⁾ system, formally instituted in Strasbourg in July 1982.
- 7. Calls on the Commission and the Council to take every opportunity during the negotiations for the renewal of the Convention of Lomé to press for the protection of human rights to be enshrined in the Convention.
- 8. Invites the ACP-EEC Consultative Assembly to set up a working party to study the situation with regard to respect for human rights in those countries which have signed the Lomé Convention.

(1) Human Rights International Documentation System

European Political Cooperation

9. Calls on the Foreign Ministers meeting in Political Cooperation to study ways in which information collected by national foreign ministries concerning human rights violations can be made available to the European Parliament and to HURIDOCS.
10. Believing that, while discreet pressure can achieve results in individual cases of human rights violations, public condemnation and concerted international pressure may also be needed to influence governments which practise gross and systematic violation of human rights, calls on the Foreign Ministers both meeting in Political Cooperation and through the governments of the Member States to:
 - (a) co-ordinate their positions on human rights issues in all they do in the United Nations and CSCE Review Conferences;
 - (b) take up more actively instances of violations of human rights, including those which are brought to their notice by the European Parliament or its Political Affairs Committee; and
 - (c) issue public statements as for example has been done over specific cases in the Soviet Union and South Africa.
11. Calls on the Foreign Ministers to make greater efforts to harmonise and reappraise their bilateral policies with Third countries with respect to human rights, particularly where trade relations with Third countries involve such matters as arms sales and transfer of nuclear and advanced technology.

The United Nations

12. Calls on the European Community, through the President-in-Office and its representatives, to work vigorously at the United Nations:
 - (a) to support and make more effective those UN bodies concerned with the promotion of respect for human rights and fundamental freedoms;
 - (b) to reverse the trend for the United Nations human rights programme to become politicized and used for the achievement of political rather than human rights goals;

- (c) to support current moves to establish a High Commissioner for Human Rights;
 - (d) for further consideration to be given to proposals for the establishment of an Attorney General for Human Rights;
 - (e) for the institution by the United Nations of a Convention against Torture.
13. Calls on those European Community countries which have not ratified the International Covenant on Civil and Political Rights and its optional protocol on the right of individual recourse, and the International Covenant on Economic, Social and Cultural Rights, to do so forthwith; and calls on the Foreign Ministers meeting in European Political Cooperation actively to persuade those Third countries which have not already done so, similarly to ratify them.

Action by Parliament

14. Believing that parliamentary and inter-party contact can be of the utmost importance in drawing attention to cases of human rights violations and in raising public consciousness about human rights issues, undertakes:
- (a) to make greater use of its Inter-Parliamentary Delegations⁽¹⁾ to raise human rights issues with delegations from Third countries, both informally and formally;
 - (b) to seek to establish working parties with Parliamentary delegations from Third countries to consider human rights issues, along the lines of the working party set up by the European Parliament-US Congress meeting in 1977;
and
 - (c) to consider the possibility of cooperating with other parliaments on joint missions of inquiry, parallel resolutions, and joint hearings.
15. Instructs its President to forward this resolution to the Commission, the Council, the Foreign Ministers meeting in European Political Cooperation and the Secretary-General of the United Nations.

(1) For a summary of the activities of EP delegations with regard to human rights, see Annex II.

EXPLANATORY STATEMENTINTRODUCTION

by Gérard ISRAEL, general rapporteur

Why, it may be asked, does the European Parliament wish to draw up a general report on human rights in the world? Is not such an exercise rather the responsibility of the international community as a whole and, in particular, of the United Nations or the specialized agencies? There can be no doubt that, through the Universal Declaration of Human Rights and the international human rights agreements, the UN is making every effort to establish the legal principles or, rather, the ideals that should ultimately be observed by all. But is it not also the duty of a directly elected parliament representing the peoples of ten countries of the Old World to obtain a precise picture and take stock of the prevailing situation and to go further than the UN and individual governments with their occasional pronouncements by calling attention to the extent to which international human rights legislation fails to touch the plight of millions of people who today are denied human rights?

It will also be asked whether the European Parliament is sufficiently free of constraints to be able to take the risk of directly taking issue with governments which, in its eyes, openly violate human rights. Is there not a risk that it would jeopardize the good economic relations which the Community maintains with countries which - and let us not mince words in a report such as this - stand guilty of infringing the most elementary of human rights? The authors of this report believe it to be a risk worth taking.

Then again, it will be asked whether it is fitting that the European Parliament should transform itself into some kind of humanitarian organization, into a superior version of Amnesty International or the League of Human Rights.

The truth of the matter is that the goodwill which motivates these organizations and the effectiveness they have shown in their activities in the modern world are based on the inspirational genius of a handful of volunteers and, even if they are able to assert that their actions are vindicated by the strength of public support, they cannot invoke that popular legitimacy to which only an elected assembly, drawing together different parliamentary traditions and different political persuasions, can lay claim.

A further predictable objection is that there is a risk of duplicating the work of the Congress of the United States of America in its annual report or even that of Amnesty International in the document which it publishes every year. This report could not hope to emulate the formidable mass of evidence marshalled by the powerful diplomatic machine in Washington, or the findings amassed by Amnesty International, which is served by tens of thousands of activists throughout the world.

However, this report by the European Parliament would at least have the advantage of demonstrating that the ten countries comprising the European Community have no intention of sinking into the complacency that derives from an easy conscience but that, on the contrary, they remain fully alert to what is happening in the modern world. The European Parliament has no wish to set itself up as some kind of international court of human rights, nor is it particularly optimistic that its actions will significantly change the course of events. But it must surely be aware that its silence would in the end be tantamount to condoning violations which, in all parts of the world, threaten the dignity of mankind. What is more, the report of our parliamentary assembly could induce certain Third World governments to weigh their dubious record on fundamental liberties against the interest they may have in maintaining good relations with the European Community. Similarly, governments in Eastern Europe, in Latin America and in South-East Asia might perhaps be led to reflect on the fact that the issues on which an independent Europe would be prepared to make a stand have nothing whatever to do with cold war politics or ideological conflict.

Finally, for the Community of Ten, the crucial challenge is to its ability to evolve a genuine human rights policy, in other words a broad consensus on questions of strategy and a series of practical measures which are conducive to effective implementation of the principles established and accepted by the entire international community.

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In order to avoid charges of inward-looking Europeanism, we addressed ourselves first of all to the problem of fundamental rights, i.e. those rights which cannot be described as inessential or of secondary importance in relation to the economic needs inherent in national development. That some people consider parliamentary democracy or even certain individual liberties as a luxury reserved for the West is a fact which will have to be taken into account, at least in the opening stages of our analysis. Thus, while constantly bearing in mind that human rights are indivisible, we felt it important that the first task of this report should be to describe fundamental rights:

- . The right to life is obviously the most natural and purest of rights, the that cannot be denied. The inviolability of human life is an absolute principle which must guide all human behaviour. It follows that war, the scourge of humanity, represents the most flagrant violation of that principle. Even in the midst of armed conflict, respect for life - both one's own life and the life of the enemy - must be upheld. War crimes or crimes against humanity must equally be denounced. Similarly, the fight against world famine and the struggle to preserve the health of all peoples are categorical imperatives.
- . The right of human individuals to respect for their physical and moral integrity, which implies the proscription of all forms of inhuman or degrading treatment such as torture or enslavement, is essential and cannot be nullified by any appeal to reason of State or to the general national interest.
- . The right to be judged by an independent court and to a fair trial is likewise fundamental. The number of people throughout the world who simply disappear for political reasons is truly frightening. The frequency with which leading political figures are assassinated by their adversaries, at times in the name of governments that have all the attributes of sovereignty, is an outrage to the human conscience. The mental damage inflicted on persons interned in psychiatric hospitals simply for holding unacceptable opinions is a disgrace to humanity.

As we have said, all human rights are indivisible and, in describing fundamental rights, we cannot disregard all the derived rights, as proclaimed by the Universal Declaration of Human Rights and by subsequent pacts and conventions. Accordingly, this report will consider violations of civil and political rights such as the right of association, the right to freedom of expression, trade union rights, the right of free confession, the right to education, the right to work, and other vital freedoms.

We felt that it was only just to denounce by name the states, governments or authorities which stood guilty flagrant and systematic violations of fundamental human rights. The day will come when the Community of Ten will have to pursue its objective of ensuring the international protection of human rights in all its negotiations, whether at the economic, strategic or cultural level.

It is because we consider that in various ways man is unique, that the human condition is everywhere the same, that the mystery of the life of the lowliest individual is no less than the mystery of the life of humanity in general; it is because we are convinced that the thousands of millions of people who inhabit the planets have the same fate and that men are interdependent and bound by common interest, that we believe that human rights constitute the real and essential political challenge.

It is our hope that this first report, despite its evident limitations, will demonstrate the wisdom of holding to such a belief.

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The reason for some of these limitations can perhaps be explained by some additional observations on the way the report was prepared by the Working Group on Human Rights.

As has already been indicated the Working Group embarked on the project of an annual report on human rights with some hesitation. Members felt that Parliament did not have adequate resources to collect, process and verify the information needed and that to attempt to do so would amount to mere duplication of work performed more expertly by various other national and international organisations with large specialised staffs at their disposal.

In fact, it was the original intention of the Working Group that the annual report should be prepared by the President-in-office of the Council of the European Community and of the Foreign Ministers meeting in European Political Cooperation, along the lines of the report prepared each year by the US. State Department for the US. Congress. The President's report would then have been submitted to Parliament on the occasion of a major debate on human rights. However requests to successive Presidents-in-office by the Working Group and the Political Affairs Committee were finally rejected during the latter half of 1981.

The Working Group and the Political Affairs Committee therefore decided to attempt to undertake this task themselves, and duly appointed a general rapporteur and six co-rapporteurs to be responsible for different areas of the world.

It should be noted, however, that although there is a broad consensus on human rights matters within the Working Group and general guidelines were agreed, there are certain differences of approach and format for each of the sub-reports, in accordance with Parliament's general practice that an explanatory memorandum is held to be a personal statement by a rapporteur. The main conclusions of each co-rapporteur were endorsed by the Working Group as a whole and incorporated into the motion for a resolution.

Inevitably the co-rapporteurs have had to rely heavily on secondary sources of information, and have not found it possible to examine in any detail, or in some instances even to mention, individual cases of human rights violations. This is particularly regretted with regard to cases where a direct appeal has been made to Parliament or one of its members. However complete lists are attached (Annex IV) of motions for resolution concerning human rights put down by members and of written and oral questions on human rights since Parliament's direct election in July 1979.

It was not felt appropriate to list those cases which it has not been possible to debate publicly or to consider in detail within the Working Group. Nor was it felt advisable to list publicly a number of cases which have been raised directly with the authorities concerned or their representatives by Parliament's two Presidents since 1979, Mrs Simone VEIL and Mr Piet DANKERT, and by Members in the context of meetings of Parliament's Inter Parliamentary delegations.

A major difficulty in this respect has been that Parliament does not possess the apparatus at the level of its secretariat to collect the necessary data, to examine and to classify it and, perhaps most important, to verify all the letters, petitions and appeals sent to Parliament or its Members. It is the view of the Working Group that a small specialised unit should be created to carry out this work, and to generally assist in the coordination of Parliament's initiatives in the field of human rights. Without such a unit it would not seem possible to build on this report to produce a more complete document containing some original research in future years, or to provide the necessary technical backup for Parliament's steadily increasing activities in the sphere of human rights.

Finally, it is to be noted that this report does not consider the situation with regard to human rights in Community countries, since this falls within the competence of Parliament's Legal Affairs Committee, and not its Political Affairs Committee. However it was the consensus view of the Working Group that no Community country could be considered currently to be in breach of the fundamental rights cited in this introduction.

OPINION OF THE COMMITTEE ON DEVELOPMENT AND COOPERATION

Draftsman: Mr ENRIGHT

On 1 December 1982 the Committee on Development and Cooperation appointed Mr Enright draftsman of the opinion.

The committee considered the draft opinion at its meeting of 24 March 1983 and adopted it unanimously.

The following took part in the vote under the chairmanship of Mr Poniatowski: Mr Enright, draftsman; Mrs Cassanmagnago Cerretti, Mr Cohen, Mr de Courcy Ling, Mrs Dury, Mr Irmer, Mr Israel, Mr Klinkenborg (deputizing for Mr Fellermaier), Mr Lomas (deputizing for Mr Lezzi), Mr Narducci, Mrs Pruvot (deputizing for Mr Sable), Mr Sherlock, Mr J. D. Taylor (deputizing for Mr Plumb) and Mr Wedekind.

A. OPINION OF THE COMMITTEE

The Committee on Development and Cooperation

1. Believes that the European Community as a regional grouping of countries which express a common attachment to certain ideals in the field of Human Rights and whose attachment is a condition for membership of this Community, should be firmly committed to the upholding of the principles laid down in the European Convention for the protection of Human Rights and Fundamental Freedoms and in the Universal Declaration of Human Rights ;
2. Believes that an increase in development aid by the Community and its Member States can by relieving starvation and desperation lead to a strengthening of Human Rights ;
3. Notes the existence of different views regarding the scope of Human Rights and stresses that the developing countries should not be expected to share precisely the same approach as the Community, keeping as guideline the Universal Declaration on Human Rights;
4. Welcomes the initiatives already taken in certain regions of the world such as the adoption of the African Declaration on Human Rights; also notes the motion for a resolution adopted by the ACP-EEC Joint Committee on 24 February 1982¹ on the functioning of ACP-EEC cooperation;
5. Emphasises that in cases of violations of Human Rights any action to be taken by the Community should be linked with the defence of the interests of the local populations concerned ;
6. Welcomes the precedents already set by the Community in cases of violation of human rights and expresses the hope that the Community will continue to react to such violations in consultation with Parliament in accordance with the following principles :
 - the Community should not continue to provide any form of cooperation or development assistance which could be construed as providing support for a

¹ Doc. CA/CP/358/fin.

government which is in clear breach of its obligation on the respect of human rights ;

- in the event of flagrant and persistent violations of human rights, aid should be continued only if it is ensured that it reaches the sections of the population for whom it is intended;

- the Community should avoid, as far as possible, all partnership with governments which have been found wanting in respect of human rights and should seek to conduct its activities through the agency of non-governmental organizations ;

7. Considers that these principles should especially apply to all countries with which the Community either has concluded or is intending to conclude preferential and non-preferential agreements ;
8. Considers that any preferential agreement to be concluded by the Community should make a clear and specific reference to the joint protection of Human Rights in the regional groupings to which each partner belongs ;
9. Believes that such a reference made in a legally binding Convention would :
 - a) contribute to strengthen the situation of Human Rights in the respective parties to the Convention
 - b) constitute a clear political and legal basis for the establishment of a community policy in that respect
10. Considers in view of the existing different approaches to Human Rights that the scope of its concept and protection should be defined by each partner
11. Underlines the important contribution that the Consultative Assembly should make in the examination and assessment of the situation in the field of Human Rights within the context of the future ACP-EEC relationships ;

12. Underlines equally in the same context the greater role that should be played by the strengthening of contacts between the European Parliament and the representatives of the Maghreb-Mashreq countries in the framework of a new Mediterranean policy ;

13. States again its belief that emergency food aid and emergency aid should be granted notwithstanding the political internal situation of the beneficiary country concerned;

The Committee on Development and Cooperation invites the Political Affairs Committee to incorporate these points in its report.

B. EXPLANATORY STATEMENT

1. INTRODUCTION

Human rights have been and still are violated in many developing countries.

Against such violations, the European Community as a regional grouping composed of democratic states which are expressing a common attachment to certain ideals in the field of Human Rights - whose attachment is furthermore a condition for membership of this Community - and which are all parties to the Universal Declaration of Human Rights, cannot avoid reacting.

The European Community has, as a matter of principle, to take a stand in a field where the principle of non-interference in the internal affairs of sovereign states cannot be referred to.

The Community - and especially the European Parliament - condemned publicly on several occasions violations of Human Rights in various developing countries.

In dealing with problems relating to the safeguard and promotion of Human Rights, it should however be kept in mind that different views can and indeed do exist regarding the concept of Human Rights. Such differences can be explained e.g. by the different levels of economic development and by different political philosophies.

2. THE ATTITUDE OF THE EUROPEAN COMMUNITY TOWARDS THE COUNTRIES WITH WHICH PREFERENTIAL AGREEMENTS HAVE BEEN CONCLUDED

At the time of negotiating the second Lomé Convention, the Community made great endeavours to include a Human Rights reference in the agreement.

The European Parliament - following a resolution adopted by the ACP-EEC Consultative Assembly (1) - expressed itself in favour of such a reference and stated that "the question of a reference to Human Rights in the future Convention will, at the appropriate time, need to be approached with great care and a high sense of responsibility, and that such a reference will undoubtedly apply just as much to the EEC as to the ACP states"(2).

(1) OJ No. C18, 19.1.1979, para. 23

(2) OJ No. C6, 8.1.1979, Resolution on the negotiations for the renewal of the Convention of Lomé, para. 9.

After that it was proved that it was not possible to include such a reference in the new Convention, the European Parliament followed the opinion of its committee on development and cooperation (3) and expressed its "regrets that it was not possible to include in the preamble to the new Convention, along the lines of earlier resolutions of Parliament and the ACP-EEC Consultative Assembly, some reference to human dignity and the protection of Human Rights" (4).

At the signing ceremony of the Convention, however, the President of the EEC Council stressed the importance which the Council attached to respect for human rights and the President of the ACP Council of Ministers made a clear declaration of faith in human rights, referring to the United Nations Charter as well as the Monrovia resolution of the Heads of State of the O.A.U. and the Lusaka resolution of the Heads of State of the Commonwealth (5).

Although such declarations are politically significant, it is still doubtful whether they can be referred to by the European Community as an undisputable political and legal basis to react against violations of human rights and to deviate from the obligations laid down in the Convention which are legally binding.

Up to now the declaration made by the EEC Council on 21.6.1977 concerning the situation in Uganda (6) constitutes the guidelines for the action of the European Community in cases of violations of human rights.

It lays down the principle according to which any assistance given by the Community to a state under the Lomé Convention should under no circumstances help to intensify or prolong the deprivation of fundamental rights of the people of that country.

This principle has been even more clearly restated and underlined by the European Parliament when dealing with the situation in Central Africa (7) and giving its opinion on the conclusion of the second Lomé Convention (8).

(3) Report made by M. WAWRZIK on the conclusion of the second ACP-EEC Convention of Lomé, Doc. 1-559/80.

(4) OJ No. C327, 15.12.1980, Resolution on the conclusion of the second ACP-EEC Convention of Lomé, para. 72.

(5) The Courrier, no. 58, November 1979, declaration of the President of the ACP Council of Ministers, p. 5.

(6) Report made by M. Jaquet on the situation in Central African Rep., doc.1-149/80. p. 7.

(7) OJ No. C175, 14.7.1980, para. 1 and 2.

(8) See (4), para. 74.

Furthermore, it has to be recalled that the Council took in November 1979 an internal decision in the context of the second Convention of Lomé concerning the Community's attitude in cases of flagrant violations of human rights, but the text of this decision has never been officially notified to the European Parliament (9).

While the above mentioned principle should continue to apply in future, it appears that the need for a reference to human rights which was already strongly felt at the time of the negotiation of the Second Convention of Lomé still exists and that any new ACP-EEC agreement should include a clear and specific reference to human rights.

Only such a reference can provide the adequate political and legal basis for a clear policy of the European Community in this field as opposed to its past behaviour.

In that context the ACP-EEC Consultative Assembly should be given an important role in the examination and assessment of the situation of human rights.

As far as the Maghreb and Machrek countries are concerned, the cooperation agreements they have concluded with the Community - and which are of unlimited duration - provide no reference to the question of human rights.

In the context of the definition and implementation of a new Mediterranean policy by the future enlarged Community the question of human rights should be dealt with in a similar way as with the ACP countries.

3. THE EUROPEAN COMMUNITY AND THE OTHER DEVELOPMENT INSTRUMENTS

The European Community has concluded and still intends to further conclude non-preferential agreements with other developing countries. The Community has on occasions taken steps to limit its cooperation with countries where human rights were violated, as was recently the case when the negotiations with the Andean Pact have been suspended because of the situation in Bolivia.

In that context there should be repeated and applied the basic principles laid down in the resolution already mentioned relating to the conclusion of the second Lomé Convention (10) :

- aid should be continued only if it is ensured that it reaches the sections of populations for whom it is intended
- the Community should avoid, as far as possible, all partnership with governments which have been found wanting in respect of human rights and should seek to conduct its activities through the agencies of non-governmental organisations.

(9) See (3) p. 66

(10) See (4), para. 74

Concerning Food-Aid - and Emergency Aid - the principle which has been constantly underlined in the resolutions of the European Parliament should continue to apply, according to which "notwithstanding the duty of the Community to promote respect for human rights wherever possible, food aid should not be made conditional on the political situation in the recipient countries and that every effort must be made to ensure that food aid reaches those sections of the population for which it is intended" (11).

(11) OJ No. C125, 17.5.1982, Resolution concerning Food Aid programme in 1982, para. 20.

OPINION OF THE COMMITTEE ON YOUTH, CULTURE, EDUCATION, INFORMATION AND SPORT
Letter from the chairman of the committee to Mr Mario RUMOR, chairman of
the Political Affairs Committee-----

Luxembourg, 9 November 1982

Dear Mr Chairman,

At its meeting on 18 and 19 October 1982 the Committee on Youth, Culture, Education, Information and Sport examined the motion for a resolution (Doc. 1-111/82) on the plight of the Iranian people under the regime of Ayatollah Khomeini, and in particular the fears of Iranian students which had been referred to it for an opinion for your committee.

At the end of the debate the committee unanimously adopted the following conclusions:

- The Committee on Youth, Culture, Education, Information and Sport considers that Iranian students residing in Member States of the Community are in real danger of being deprived of their grants and being forced, by having their passports withdrawn, to return to Iran where they could face execution.

- The Committee on Youth, Culture, Education, Information and Sports considers that the Member States cannot and should not remain indifferent to the plight of these students since they are committed,

. both by virtue of their fundamental laws and of the international conventions to which they are signatories,

to respect and protect human rights and fundamental freedoms, including the right and freedom to study.

.../..

- The Committee on Youth, Culture, Education, Information and Sport asks the Political Affairs Committee to refer the matter to the Foreign Ministers of the Ten Member States meeting in political cooperation so that effective ways can be found to enable Iranian students to complete their studies in the Member States, should they be deprived of their passports.

Yours sincerely,

(sgd.) Bouke BEUMER,
Chairman

The following took part in the vote : Mr BEUMER, chairman, Mr HAHN and Mr SCHWENCKE, vice-chairmen, Mr ARFE', Miss BROOKES, Mrs BUCHAN, Mr GEROKOSTOPOULOS and Mr SIMMONDS.

