

# European Communities

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9 MAY 1977

DOCUMENT 107/77

MOTION FOR A RESOLUTION

tabled by Sir Derek WALKER-SMITH  
on behalf of the Legal Affairs Committee<sup>1</sup>

pursuant to Rule 25 of the Rules of Procedure

on the protection of human rights with reference  
to citizens of the German Democratic Republic

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<sup>1</sup> At its meeting of 9 May 1977 the Legal Affairs Committee adopted this draft motion for a resolution by 8 votes to 2 with 2 abstentions.

The following were present: Sir Derek Walker-Smith, chairman; Mr Ajello (deputizing for Mr Zagari), Mr Bangemann, Mr Broeksz, Mr Calewaert, Mr Fletcher-Cooke, Mr Hoffman (deputizing for Lord Ardwick), Mr Kunz, Mr Lezzi (deputizing for Lord Murray of Gravesend), Mr Schwabe (deputizing for Mr Schmidt) and Mr Sieglerschmidt.



The European Parliament,

- having regard to the following representations made to it:

- (a) Manfred Büttner, resident in Heidenau, states that in September 1976, he requested permission to emigrate with his wife and their two children to the Federal Republic of Germany, thus renouncing his present nationality; this request was refused;
- (b) Johannes Bieniek, resident in Delitzsch, states that in March 1977, he made a similar request, on which no decision has been taken to date;

and to the fact that both have called upon the European Parliament to support their efforts to obtain permission to emigrate,

- whereas, paragraph VII of the Final Act<sup>1</sup> of the Conference on Security and Cooperation in Europe held in Helsinki in 1975 lays down that in the field of human rights and fundamental freedoms the participating states will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights,
- whereas Article 13 (2) of the Universal Declaration of Human Rights<sup>2</sup> provides that everyone has the right to leave any country, including his own, and to return to his country,
- whereas the Final Act of Helsinki, which concludes with a declaration by the participating countries of their resolve to act in conformity with the provisions of that Final Act, was also signed by the government of the German Democratic Republic,
- whereas the government of the German Democratic Republic must, therefore, be considered to be bound to uphold in full and implement the provisions of the Final Act of Helsinki, including those relating to human rights and fundamental freedoms, as far as its citizens are concerned,

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<sup>1</sup> See Annex I

<sup>2</sup> See Annex II

- whereas any refusal by the government of the German Democratic Republic to permit citizens who ask of their own free will and on personal grounds to take up residence in another country of their choice would run counter to the obligations arising from the provisions of the Final Act of Helsinki and which are also applicable to the GDR,

1. Urges the government of the German Democratic Republic to respect its international commitments and in particular the obligation to act in accordance with the Universal Declaration of Human Rights now that the rights of the citizens of the German Democratic Republic have been consolidated and protected by being solemnly enshrined in the Helsinki Final Act;
2. Requests the Council, the Commission and the governments of the Member States to do everything possible to persuade the government of the German Democratic Republic to fulfil the commitments on human rights and fundamental freedoms which it voluntarily entered into by signing the Helsinki Final Act;
3. Instructs its President to forward this resolution to the Council and Commission and, for information, to the governments of the Member States.

VII. RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE  
FREEDOM OF THOUGHT, CONSCIENCE, RELIGION OR BELIEF

The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.

They will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development.

Within this framework the participating States will recognize and respect the freedom of the individual to profess and practise, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.

The participating States on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere.

The participating States recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and cooperation among themselves as among all States.

They will constantly respect these rights and freedoms in their mutual relations and will endeavour jointly and separately, including in cooperation with the United Nations, to promote universal and effective respect for them.

They confirm the right of the individual to know and act upon his rights and duties in this field.

In the field of human rights and fundamental freedoms, the participating States will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights. They will also fulfil their obligations as set forth in the international declarations and agreements in this field, including inter alia the International Covenants on Human Rights, by which they may be bound.

ANNEX II

Article 13(1)

Everyone has the right to freedom of movement and residence within the borders of each State.

Article 13(2)

Everyone has the right to leave any country, including his own, and to return to his country.



