



European Communities

EUROPEAN PARLIAMENT

# WORKING DOCUMENTS

342.7 text

English Edition

1986-87

19 January 1987

SERIES A

DOCUMENT A2-208/86

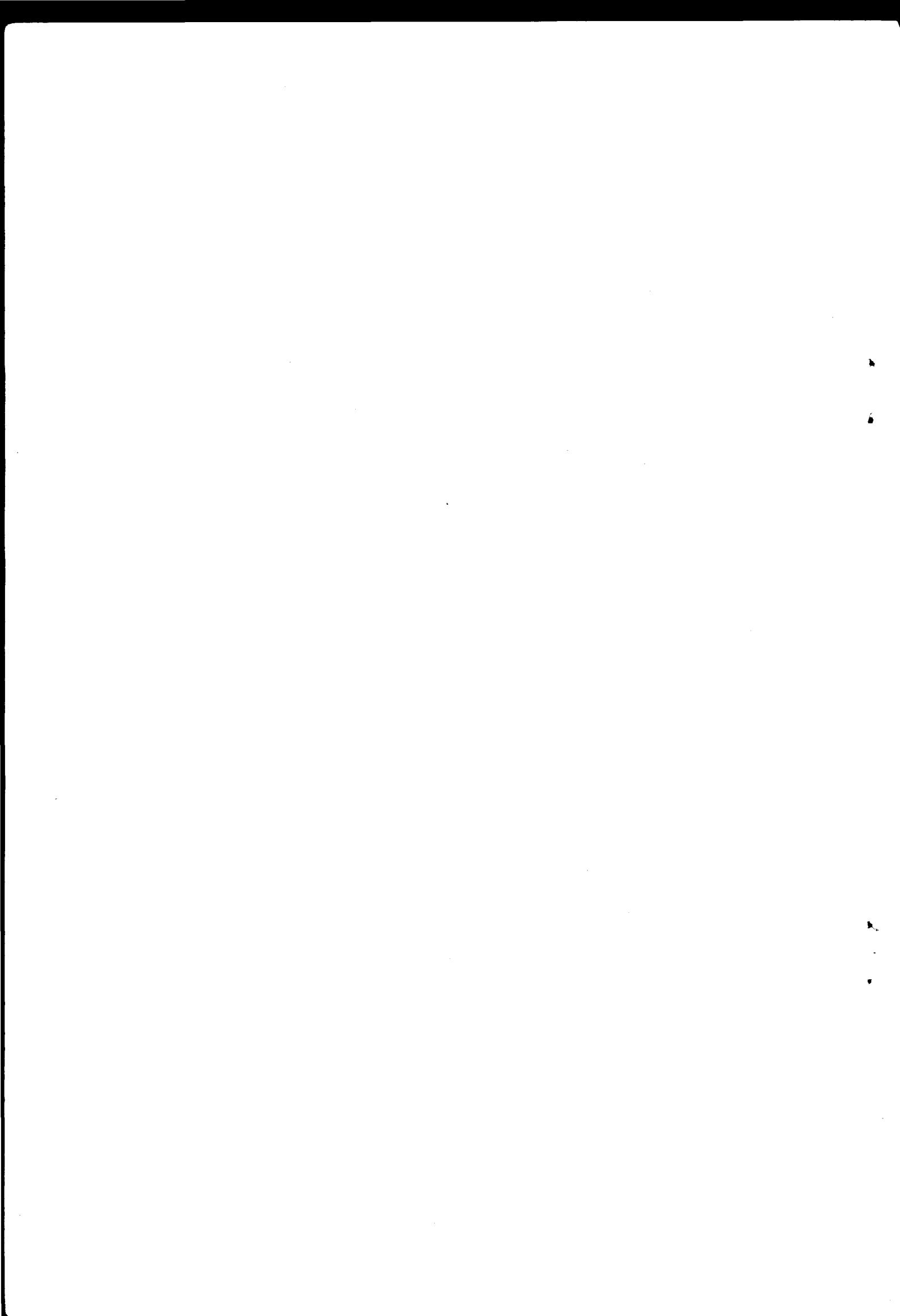
REPORT

drawn up on behalf of the Political Affairs Committee

on human rights in the world for the year 1985-1986  
and Community policy on human rights

Rapporteur : Mr Julén GUIMON UGARTECHEA

PE 107.484/fin.  
Or.En.



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.

By letter of 8 November 1984, the Political Affairs Committee requested confirmation of this decision, which was accorded by plenary on 14 January 1985.

On 25 April 1986 the Political Affairs Committee appointed Mr Guimon Ugartechea rapporteur for the year 1985 - 1986.

The following motions for resolution were referred to the Political Affairs Committee by plenary at its sittings of.

- 13 June 1985, motion for a resolution tabled by Mr DE GUCHT on Dimos SOLOMOU, a Cypriot conscientious objector (doc. B2-329/85),
- 13 June 1985, motion for a resolution tabled by Mr LOMAS on the concern on human rights in the Republic of Korea ROX/South Korea (doc. B2-367/85).
- 13 June 1985, motion for a resolution tabled by Mr VANDEMEULEBROUCKE and Mr KUIJPERS on the situation of the Kurds (doc. B2-373/85),
- 8 July 1985, motion for a resolution tabled by Mr van der WAAL on the situation of Jews in Syria (doc. B2-388/85),
- 8 July 1985, motion for a resolution tabled by Mr DEPREZ on the resurgence of pirate attacks on Vietnamese boat refugees (doc. B2-420/85) (committee asked for opinion: Committee on Budgets),
- 10 July 1985, motion for a resolution tabled by Mr ANTONY on behalf of the Group of the European Right on the deportation of Europeans in the Soviet Union (doc. B2-540/85),
- 9 September 1985, motion for a resolution tabled by Mr COTTRELL concerning atrocities in Uganda (doc. B2-615/85) (committee asked for opinion: Committee on Development and Cooperation),
- 9 September 1985, motion for a resolution tabled by mr TZOUNIS and others on the demolition of the orthodox church of Aghiou Georgiou Makrochoriou (doc. B2-617/85) (committee asked for opinion: Committee on Youth, Culture, Education, Information and Sport),
- 9 September 1985, motion for a resolution tabled by Mr VANDEMEULEBROUCKE and Mr KUIJPERS on political prisoners in Laos (doc. B2-762/85),
- 7 October 1985, motion for a resolution tabled by Mr SCHWALBA-HOTH on the imprisonment of Mahmud Baidan in Syria (doc. B2-881/85),
- 7 October 1985, motion for a resolution tabled by Mrs LIZIN on the hanging of a trade unionist in Pakistan (doc. B2-898/85) (committee asked for opinion: Committee on External Economic Relations),
- 13 December 1985, motion for a resolution tabled by Mr KUIJPERS and Mr VANDEMEULEBROUCKE on young people and human rights (doc. B2-1188/85) (committee asked for opinion: Committee on Youth, Culture, Education, Information and Sport),

- 10 March 1986, motion for a resolution tabled by Mr NEWMAN on political prisoners in Kosovo, Yugoslavia (doc. B2-1579/85),
- 14 April 1986, motion for a resolution tabled by Mr KUIJPERS and Mr VANDEMEULEBROUCKE on the use of torture in Pakistan (doc. B2-74/86),
- 11 June 1986, motion for a resolution tabled by Mr GLINNE on the refusal to recognize the right of conscientious objection in Poland (doc. B2-332/86),
- 11 June 1986, motion for a resolution tabled by Mr STAES on the situation in Zaire (doc. B2-334/86) (committee asked for opinion: Committee on Development and Cooperation).

At its meetings of 28 May 1986, 16 September 1986 and 28 October 1986 the Subcommittee on Human Rights of the Political Affairs Committee considered the draft report.

At its meetings of 26 June 1986, 29 October 1986 and 17 December 1986 the Political Affairs Committee considered the draft report.

The Political Affairs Committee adopted the motion for a resolution as a whole on 17 December 1986 by 25 votes in favour and none against and 2 abstentions.

The following were present: Mr FORMIGONI, chairman; Mr HAENSCH, vice-chairman, Mr GUIMON UGARTECHEA, rapporteur, Mr BALFE (deputising for Mr LOMAS), Mr BOESMANS, Mr BROK (deputising for Mr BLUMENFELD), Mr CAAMAÑO BERNAL, Mr CAMPINOS (deputising for Mr AMADEI), Mr DELOROZOY, Lady ELLES, Mr HABSBURG, Mrs van den HEUVEL, Mr HUTTON (deputising for Lord DOURO), Mr KLEPSCH, Mr MALLET (deputising for Mr ANTONIOZZI), Mr MEDINA ORTEGA, Mr MERTENS (deputising for Mr CROUX), Mr NEWENS, Mr NORMANTON (deputising for Lord BETHELL), Mr PENDERS, Mrs PIERMONT, Mr PRAG, Mr ROBLES PIQUER (deputising for Mr PERINAT ELIO), Mr ROMEOS (deputising for Mr PLASKOVITIS), Mr SEGRE, Sir Peter VANNECK, Mr VERDE I ALDEA (deputising for Mrs FLORES VALENCIA), Mr WALTER, Mr ZARGES (deputising for Mrs LENZ).

The Committee on Budgets, the Committee on External Economic Relations and the the Committee on Youth, Culture, Education, Information and Sport decided not to deliver an opinion.

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

The report was tabled on 19 December 1986.

The deadline for tabling amendments to this report will be indicated in the draft agenda for the part-session at which it will be debated.

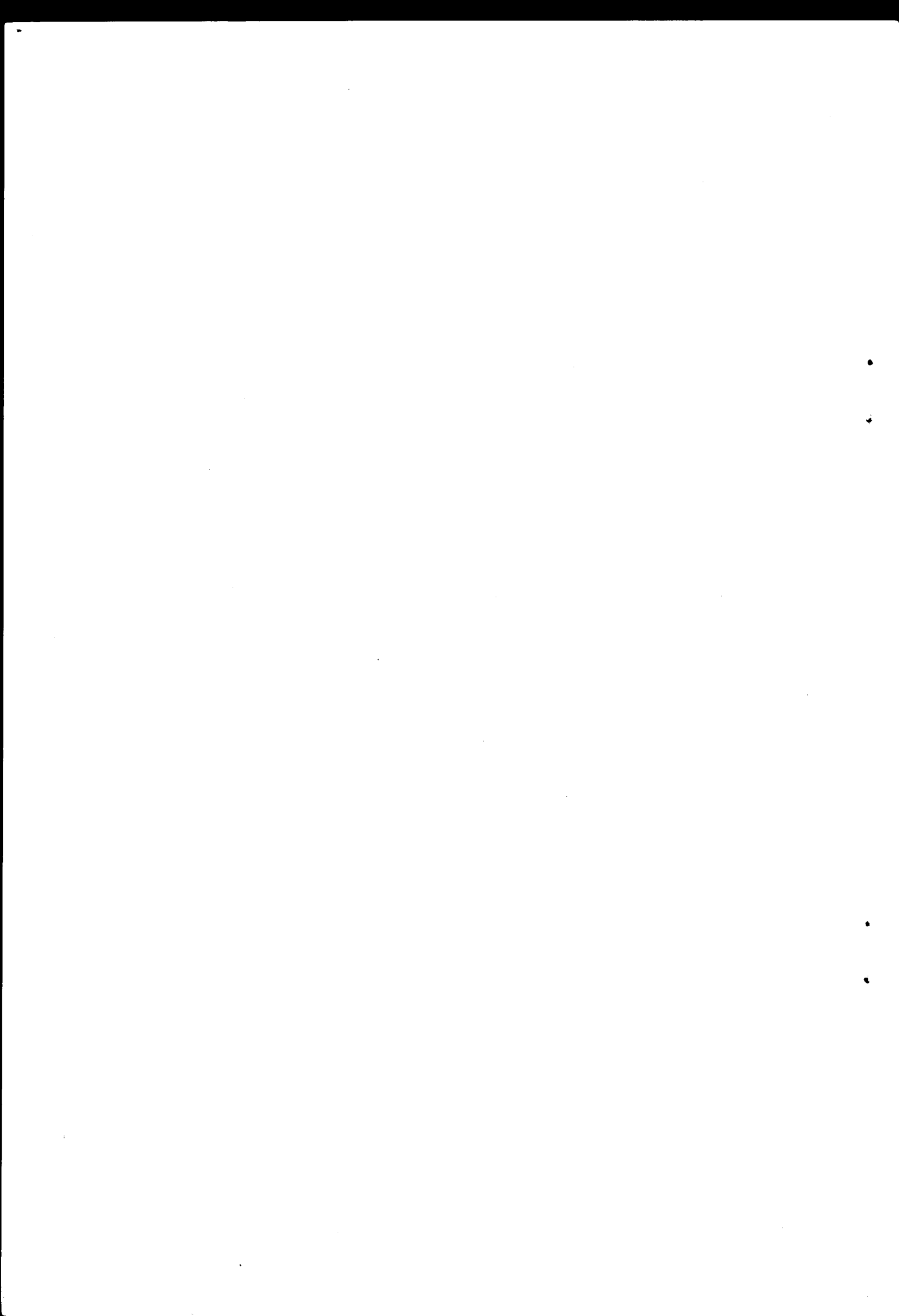
## CONTENTS

### PART I

	PAGE
A. Motion for a resolution .....	5
B. Explanatory Statement .....	23
Opinion of the Committee on Development and Cooperation .....	54

### PART II

ANNEX I	Declaration on Human Rights adopted by the Foreign Ministers of the Twelve meeting in the context of European Political Cooperation on 21 July 1986 ..	64
ANNEX II	Tables giving details of the number of parliamentary questions on human rights, the number of petitions, and the number of resolutions tabled under Rules 47, 48 and 49, about human rights in third countries for the period 1.7.1984 - 1.7.1986. ....	67
ANNEX III	Table showing the pattern of Jewish migration from the Soviet Union in recent years .....	72
ANNEX IV	Memorandum presented to the European Parliament and to its Political Affairs Committee by the President-in-Office of the Twelve, Mr van den Broek, on 27 May 1986 .....	73
ANNEX V	Summary of the human rights activities of delegations (1985-1986) compiled by Parliament's Interparliamentary Delegations Secretariat .....	80
ANNEX VI	Proposals adopted by the Chairmen of the Interparliamentary Delegations for implementation within each delegation involved in human rights .....	88
ANNEX VII	Motions for resolution concerning human rights referred by plenary to the Political Affairs Committee .....	89



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 for the year 1985-1986 and Community policy on human rights

The European Parliament,

Having regard to the following motions for resolution:

- motion for a resolution tabled by Mr DE GUCHT on Dimos SOLOMOU, a Cypriot conscientious objector (doc. B2-329/85)
- motion for a resolution tabled by Mr LOMAS on the concern on human rights in the Republic of Korea ROX/South Korea (doc. B2-367/85)
- motion for a resolution tabled by Mr VANDEMEULEBROUCKE and Mr KUIJPERS on the situation of the Kurds (doc. B2-373/85)
- motion for a resolution tabled by Mr van der WAAL on the situation of Jews in Syria (doc. B2-388/85)
- motion for a resolution tabled by Mr DEPRez on the resurgence of pirate attacks on Vietnamese boat refugees (doc. B2-420/85)
- motion for a resolution tabled by Mr ANTONY on behalf of the Group of the European Right on the deportation of Europeans in the Soviet Union (doc. B2-540/85),
- motion for a resolution tabled by Mr COTTRELL concerning atrocities in Uganda (doc. B2-615/85)
- motion for a resolution tabled by Mr TZOUNIS and others on the demolition of the orthodox church of Aghiou Georgiou Makrochoriou (doc. B2-617/85)
- motion for a resolution tabled by Mr VANDEMEULEBROUCKE and Mr KUIJPERS on political prisoners in Laos (doc. B2-762/85)
- motion for a resolution tabled by Mr SCHWALBA-HOTH on the imprisonment of Mahmud Baidan in Syria (doc. B2-881/85)
- motion for a resolution tabled by Mrs LIZIN on the hanging of a trade unionist in Pakistan (doc. B2-898/85)
- motion for a resolution tabled by Mr KUIJPERS and Mr VANDEMEULEBROUCKE on young people and human rights (doc. B2-1188/85)
- motion for a resolution tabled by Mr NEWMAN on political prisoners in Kosovo, Yugoslavia (doc. B2-1579/85)
- motion for a resolution tabled by Mr KUIJPERS and Mr VANDEMEULEBROUCKE on the use of torture in Pakistan (doc. B2-74/86)

- motion for a resolution tabled by Mr GLINNE on the refusal to recognize the right of conscientious objection in Poland (doc. B2-332/86)
- motion for a resolution tabled by Mr STAES on the situation in Zaire (doc. B2-334/86)
- Having regard to the resolution on human rights in the world adopted on 17 May 1983,
- Having regard to the resolution on human rights in the world adopted on 22 May 1984,
- Having regard to the resolution on human rights in the world adopted on 22 October 1985
- Having regard to the resolution on the establishment of a 'Sakharov Prize' for freedom of thought,
- Having regard to the report and resolution on human rights<sup>1</sup> adopted by the ACP-EEC Joint Assembly in Inverness on 26 September 1985,
- Having regard to the two resolutions on human rights<sup>2</sup> adopted by the ACP-EEC Joint Assembly in Vouliagmeni on 25 September 1986,
- Having regard to the draft Single European Act,
- Having regard to the Declaration on Human Rights adopted by the Foreign Ministers of the Twelve on 21 July 1986 meeting in the context of European Political Cooperation<sup>3</sup>,
- Having regard to the Final Act and Joint Political communique signed with the cooperation agreement between the Community and the countries party to the General Treaty on Central American Economic Integration in Luxembourg on 12 November 1985<sup>4</sup>,
- Having regard to the 'EVRIGENIS' Declaration against racism and xenophobia,
- Having regard to the resolutions adopted by Parliament since July 1985 concerning human rights.

-----  
<sup>1</sup> Rapporteur Mrs Flesch, Doc. ACP-EEC OU11/85, OJ No. C 322 13.12.1985, p. 44

<sup>2</sup> Doc. ACP-EEC 115/86/fin. and Doc. ACP-EEC 122/86/fin.

<sup>3</sup> Annex I

<sup>4</sup> Bulletin, EC II-1985



- Having regard to the report of the Political Affairs Committee and to the opinion of the Committee on Development and Cooperation (A 2-208/86),
- A. Whereas the first directly-elected European Parliament undertook to draw up annually a 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 in 1985 this commitment was expressed in the preamble of the draft Single European Act,
- D. Whereas what happens in one area of the world can, and does, affect what happens in other areas of the world, and human rights violations in any part of the world must now be considered a matter of legitimate international concern, and not an interference in the affairs of third countries,
- E. Whereas, although human rights abuses also occur in the countries of the European Community, appropriate statutes exist for such abuses to be redressed under due process of law<sup>1</sup>,
- F. Whereas the prospect of respect for human rights is greatest in countries where the basic rules of free democracy are observed, though it is recognised that other forms of government also, in varying degrees, can respect human rights,
- G. Whereas only some fifty countries in the world could be qualified as essentially democratic,

---

<sup>1</sup> Within the European Parliament, its Committee on Legal Affairs and Citizens Rights is competent for human rights matters inside the European Community, and its Political Affairs Committee responsible for human rights matters in third countries.

- H. Whereas the number of countries where grave human rights abuses occur frequently is considerably greater than those countries where human rights, in general, are respected,
- I. Whereas prisoners of conscience are held, or torture is practised, in approximately half of the member states of the United Nations often as instruments of state policy, thus denying citizens their fundamental human rights and the freedom to be politically engaged and to express their political views.
- J. Whereas 1986 marks the 25th anniversary of the foundation of Amnesty International, which, together with other no less estimable non-governmental organisations, has demonstrated that ordinary citizens can be more actively concerned than many governments to promote respect for human rights,
- K. Whereas 1986 marks the 20th anniversary of the adoption of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,
- L. Whereas these treaties, which together with the United Nations Charter and the Declaration on Human Rights, constitute the world's 'Bill of Rights' remain unratified by about half of the member states of the United Nations, including two member states of the European Community,
- M. Whereas in Parliament's annual reports particular emphasis is given to three fundamental rights - 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,
- N. Whereas all human rights are indivisible and intertwined, and thus according priority to certain basic rights does not imply any lack of concern for other derived rights,
- O. Whereas it was decided on 13 December 1985 that Parliament should award annually a Prize for freedom of thought to be called the 'European Parliament Sakharov Prize',

- P. Whereas since its election in 1984, largely in response to public concern and appeals by Community citizens, Parliament adopted more than 90 resolutions on human rights, tabled more than 200 oral and written questions, and considered more than 6 petitions<sup>1</sup>,
1. Considers, with regret, that in the period under review, from January 1985 to mid-1986, there was no significant reduction in the number of countries in the world where human rights abuses are routinely practised,
  2. Notes that since adoption of its previous report, motions for resolution tabled under Rule 47, and referred to the Political Affairs Committee's Subcommittee on Human Rights, referred to alleged violations in more than 40 countries in the world,
  3. Expresses its deepest concern that the countries where it can be reliably attested that human rights violations are flagrant and systematic, and are condoned or practised by the governments of those countries or their agents, number in excess of 50,
  4. Notes with concern that in 1985 and 1986 the Community concluded wide-ranging agreements with countries where there have been frequent and well-documented abuses of human rights,
  5. Expresses its sadness that human rights abuses on a considerable scale occur in a number of countries with which the Community is closely associated, under various types of agreement, and that less than half of the ACP Member States could be said to fully respect human rights, despite the commitment to do so in the Lome III Convention, and the international agreements to which many of these countries have adhered,
  6. Considers that during the period under review, among the most serious negative developments which could be noted with regard to respect for human rights, were the following:

---

<sup>1</sup>See Annex II

- a. The disregard for human suffering and the sheer savagery of the methods employed, often against civilians, by armed forces in Afghanistan, Central America, the Horn of Africa, the Gulf, Lebanon, Indonesia and East Timor,
- b. The apparent increase in the number of extrajudicial killings in the areas worst affected by this phenomenon, as identified by the United Nations Working Group on Enforced or Involuntary executions,
- c. The intensity of inter-communal conflicts, particularly in East Timor, India, Sri Lanka, South Africa and Lebanon, and the oppression of minority and indigenous groups, among them the Indians in Brazil, Guatemala, Nicaragua and Peru, the Greek minority in Albania, the Turkish community in Bulgaria, the Bahais in Iran, the Palestinian inhabitants of the Israeli-occupied territories, the Ahmaddiya community in Pakistan, the Jews in the Soviet Union, the Kurds and the Greek minority in Turkey, and the ethnic Albanians in Yugoslavia,
- d. Major outflows of refugees and displaced persons in different parts of the world, as a result of armed conflict, famine, natural catastrophes, and the excesses of dictatorial regimes, to give a total world refugee population in 1985 estimated at 16 million persons, many of them children, concentrated particularly in Central America, the Horn of Africa, and Pakistan,
- e. The reduction in the number of exit permits from the USSR in 1985 and 1986<sup>1</sup> to among the lowest levels in the decade since the signature of the Helsinki Final Act, continuing restrictions on emigration from most East European countries including in cases of 'family reunification', and the accentuated persecution of members of the Helsinki monitoring groups,
- f. Repressive measures in some other East European countries against intellectuals and religious, minority and 'opposition' groups.

---

<sup>1</sup> Annex III

7. Believes that among the more positive developments that could be noted in the period under review are the following:
- a. The apparent movement towards greater democracy and civilian rule, albeit fragile, in some cases in certain parts of the world, most particularly in Latin America,
  - b. The removal from power of totalitarian leaders in Haiti, the Philippines, Sudan and Uganda thereby offering a prospect of more humane government in those countries,
  - c. The release of significant numbers of political prisoners in certain countries, as in Chad, Ethiopia, Haiti, Liberia, The Philippines, South Yemen, Sudan and Uganda in 1986,
  - d. The possible reduction in the number of judicial executions carried out in 1985, compared with earlier years, according to estimates by Amnesty International, and the abolition of the death penalty in certain countries - though the death penalty remains on the statute books of more than 130 countries, and in some countries such as China, Iran and the Soviet Union, the death penalty continued to be prescribed for a wide variety of criminal offences,
  - e. The signature by all European Community countries - with the exception of the United Kingdom and Ireland - of Protocol 6 of the European Convention on Human Rights concerning the 'Death Penalty', which for the first time in international law makes a ban on the death penalty for peacetime offences a legal obligation for the contracting party,
  - f. The ratification of the Sixth Protocol by the following Member States of the Community and of the Council of Europe: Austria, Denmark, France, Luxembourg, Spain and Sweden;
  - g. The further development of regional human rights systems, for instance, by the establishment of an Asian Human Rights Commission, and an agreement on a Declaration of the Basic Duties of ASEAN peoples and governments, and in America by the fact that the number of American states which recognise the binding jurisdiction of the Inter-American Court of Human Rights rose to eight,

- h. An increase in the number of support committees, human rights NGOs, and national institutions for the promotion and protection of human rights,
8. Welcomes the coming into force in October 1986 of the African Charter on Human and Peoples' Rights, which has now been ratified by 30 countries, and hopes that the African Commission on Human and Peoples' Rights provided for in the Charter will make a significant contribution to furthering respect for human rights in Africa; requests those Member States of the Organization of African Unity that have not already done so to ratify the Charter;
9. Calls on the Soviet Union to release Raul Wallenberg at long last and to provide full information about this case;

#### COMMUNITY POLICY

10. Believes that while there is still no clearly defined Community human rights policy as such, a basis for such a policy has begun to emerge, and that there is an increasing awareness that concern for human rights is one of the key elements which binds the Community together and gives it its particular identity vis-a-vis third countries or groups of countries,
11. Believes, further, that the definition of a Community human rights policy also supposes that within the Community's legal system, given its supranational characteristics, there is a specific guarantee of the Community citizen's rights, either through the approval of an act establishing a list of fundamental rights submitted to the Court of Justice for scrutiny, or through the ratification by the Community itself of the European Convention for the Protection of Human Rights and Fundamental Freedoms;
12. Stresses the importance, in this connection, of the Declaration on Human Rights adopted by the Foreign Ministers of the Twelve on 21 July 1986<sup>1</sup>, whilst at the same time regretting that the Community institutions, and not least Parliament, were not formally associated with this Declaration and involved in its elaboration,

---

<sup>1</sup> Annex I

13. Congratulates in particular the Presidency of The Netherlands during the first half of 1986 for its efforts to make more transparent and to give more cohesion to the human rights activity of the Twelve meeting in the context of European Political Cooperation,
14. Welcomes, in this connection, the memorandum<sup>1</sup> submitted to Parliament's Political Affairs Committee in May 1986 by the Dutch President-in-Office about human rights activity within the framework of European Political Cooperation, and his oral statement to the Committee giving details, as had been requested in Parliament's earlier annual reports, about a number of the human rights initiatives taken by the Twelve,
15. Welcomes also the President-in-Office's expressed willingness to explore ways in which this 'dialogue' could be further developed, either in the framework of the colloquy system, or in meetings with the Subcommittee on Human Rights, or through President-to-President contacts,
16. Believes that a memorandum about the Twelve's human rights activity should be submitted annually to Parliament or to its Political Affairs Committee by the President-in-Office and that the form of this document should be jointly discussed,
17. Believes that the human rights work of the Twelve would be enhanced and made much more effective if there was a specific human rights structure within European Political Cooperation, and that, as is the practice with other policy areas, an EPC Working Group on Human Rights should be established,
18. Welcomes the fact that, according to statements by two presidents-in-office, European Parliament resolutions on human rights are routinely considered when relations with the third countries to which they refer are being examined in EPC, and that, on occasion, Parliament's resolutions are formally transmitted to the authorities of a third country in conjunction with a demarche about a human rights matter being made by a representative of the Twelve,
19. Believes that the closer relationship between European Political Cooperation and Community activity now reflected in the provisions of the Single European Act, can serve the objective of establishing a Community human rights policy, which would make use jointly of both Community and national instruments,

20. Believes that the preamble of the draft Single European Act, bringing the promotion of respect for human rights within the ambit of the treaties, gives Community bodies, and in particular the Commission, a mandate to actively pursue human rights objectives in third countries,
21. Believes, however, that the Community should be endowed with an even more explicit and specific legal mandate governing its human rights activity, and invites the Commission to make proposals to Council for an appropriate form of 'Community act' on the basis of Article 235 of the EC Treaty and paragraphs 3 and 5 of the preamble of the draft Single European Act, taking account also of the 1977 Declaration on Democracy and the 1986 Declaration on Human Rights,
22. Calls on the Commission also, as previously requested by Parliament to make a report, setting out the guidelines applied hitherto by the Commission with regard to human rights and showing what precedents have been set in using Community instruments to further human rights policy, and believes that any such report would not compromise current Commission practice of examining human rights issues on a case-by-case basis,
23. Believes that such a document would help the Community to send clearer signals to third countries, and that the Community's position on human rights should be firmly conveyed in the course of all negotiations with third countries or groups of countries,
24. Accepts as right that Community relations with a third country can revolve around human rights issues, as, for instance, could be said to be the case with Turkey, and as was the case with Greece, Portugal and Spain under the former dictatorships,
25. Welcomes the references to the protection of human rights in connection with the 1985 Luxembourg agreement between the Community and the countries party to the General Treaty on Central American Economic Integration, and believes that this, together with the references contained in the Lome III agreement, constitute important precedents which should now be further followed in other external agreements, particularly where that agreement implies 'most favoured nation' status,



26. Believes that such references have more than a symbolic significance, and that, in the case of the Lome III agreement, consideration should now be given to the practical application of these commitments, bearing in mind also the decision of the Council of Ministers in November 1979 that, in connection with the Lome Treaty, it would consider the adoption of appropriate measures in response to any cases involving the systematic violation of human rights,
27. Insists that any action taken against a government accused of violating human rights should under no circumstances worsen the lot of the population, already suffering under an oppressive regime;
28. Believes, in relation to the above, that Community policy towards South Africa is currently one of the tests of the coherence, consistency and credibility of Community human rights policy, and that the Community must take further steps to bring pressure to bear on the South African government to end repression and to satisfy the aspirations of the black population,
29. Notes that a formal dialogue on human rights matters with the Commission was initiated in 1986, and should be further pursued, including, as proposed by the Commission during the debate on the 1984 annual report<sup>1</sup> 'an exchange of information at the highest level about discreet demarches' made by both institutions,
30. Welcomes the expressed commitments of the President of the Commission that the Commission will live up to its responsibilities in the field of human rights, and of the fact that the President has included human rights matters within his own 'portfolio', and considers that there is an urgent need for close cooperation between the President of the Commission and the Political Affairs Committee and its Subcommittee on Human Rights on the practical details of human rights policy,
31. Believes, furthermore, that the human rights activity of the Commission, and of the Community, would be publicly accentuated if the President were to designate a Member of the Commission, or a senior official, or a member of his personal staff who could act as a 'human rights coordinator/spokesman' (as proposed by Parliament's Human Rights Subcommittee following its meeting with Commission Vice-President Natali on 28 February 1986),

PE 107.484/fin.

---

<sup>1</sup> OJ EP Debates No. 2-331 of 17-21 Feb. 1986, p. 46

32. Recognizes the complexity of any such coordinating function, since human rights matters fall within the sphere of activity of several Commissioners (just as human rights matters are dealt with by various Committees of Parliament), and invites the President of the Commission to discuss the practical aspects of any such arrangement with the Political Affairs Committee,
33. Invites the Commission once again to make proposals in future draft Community budgets for increased funding for human rights related activities, such as
- a. Human rights education,
  - b. Providing advisory services on human rights (as is now being done by the United Nations)
  - c. Funding deserving human rights orientated projects, such as the Rehabilitation Center for Torture Victims in Copenhagen,
  - d. Building human rights concerns into development programmes, without compromising the Commission's position on the general non-conditionality of Community aid,

#### CSCE

34. Regrets that more than ten years after the signature of the Helsinki Final Act, the CSCE process has not led to significant improvement in respect for human rights in most of the countries in Eastern Europe, and indeed that conditions for human rights activists in Eastern Europe, particularly in the USSR, could be said to have worsened, while the situation in Soviet labour camps has become more severe,
35. Regrets that the 'experts level' conferences on human rights and on human contacts, held in Ottawa and Berne in 1985 and 1986, achieved only minor results, held most of their meetings in camera at the Soviet Union's insistence, and resulted in no final communique, revealing the considerable gap that exists between commitment and practice where the Final Act is concerned,
36. Recognises that there was a degree of progress at the Berne conference, which was established to deal with specific individual cases, and not with more general aspects of human rights in the context of East-West relations, but expresses its concern at the continued existence of a large number of unresolved cases, very often involving family reunification, many of which have been brought specifically to the attention of Parliament's Human Rights Subcommittee,

37. Requests the Twelve, at the CSCE review conference in Vienna (which began in November 1986), to emphasize again that the three baskets which make up the Helsinki Final Act are interdependent and that accordingly, the validity of the Act as a whole will inevitably be called into question if the Soviet Union and other Eastern European countries fail to respect the compromises reached concerning human rights,
38. Believes that the European Parliament should be represented at Vienna, using the good offices of the Twelve, as was the case at the review conference in Madrid in 1983, by a small delegation comprised of Members of its Political Affairs Committee, which in addition to meeting the representatives of the Twelve, could make representation about specific human rights cases to the heads of delegation of certain East European countries,

#### UNITED NATIONS AND REGIONAL HUMAN RIGHTS SYSTEMS

39. Urges the Twelve to make concerted efforts to seek to bring about a major improvement in the United Nations mechanisms for enforcing, and monitoring compliance with, the standards the UN has set with regard to human rights,
40. Believes that though the United Nations Commission for Human Rights, and other UN-established human rights bodies have been devalued by a tendency to consider general political issues rather than specific human rights violations, there have been a number of relatively recent developments which represent noteworthy advances in UN human rights activity, notably:
- the practice of nomination of UN Commission rapporteurs to look into specific human rights matters
  - the increased provision of advisory services on human rights
  - the increased willingness of the Commission to seriously investigate complaints about violations of human rights in UN member states
41. Believes that United Nations activity would be further enhanced if bodies such as the Committee on Human Rights (established under the Covenants) was comprised, as was intended, of independent experts 'serving in a personal capacity' and not, as is presently very often the case, of government officials or diplomats, and believes furthermore that the UN Commission should be transformed into a body comprising independent jurists or experts,

PE 107.484/fin.

42. Regrets the slowness with which the United Nations Convention on Torture is being signed and ratified by most UN member states, (including certain European Community countries), and believes that the Convention should be strengthened by supplementary measures - possibly with an instrument to investigate or effectively monitor the practice of torture,
43. Believes that the Twelve would be in a stronger moral position at the United Nations, if all Community countries had ratified the International Covenant on Civil and Political Rights, and its optional protocol, and the International Covenant on Economic, Social and Cultural Rights,
44. Believes that the Twelve should make a positive contribution to the UN's current standard-setting activities, but that priority of effort should now be directed at the implementation and enforcement of existing international standards,
45. Believes that the Twelve should endorse the recommendation made by UN Special Rapporteur on extrajudicial killings, Amos Wako, that proper international standards be developed to investigate cases of suspicious death,
46. Strongly criticises the decision by the United Nations to suspend, for budgetary reasons, the Autumn 1986 sessions of the Committee on Human Rights and of the United Nations Subcommittee for the Prevention of Discrimination and Protection of Minorities, the principal subsidiary body of the UN Commission, which had been responsible for doing some of the United Nations most important human rights work, and acts as an important point of contact with non-governmental organisations,
47. Calls directly on Turkey which, after ratifying the European Convention for the Protection of Human Rights and Fundamental Freedoms on 28 November 1974, has to date neither recognized the European Commission of Human Rights as competent to hear individual petitions nor recognized the jurisdiction of the European Court of Human Rights as binding, to do so at an early date,

48. Calls on all the Member States of the Community and the Council of Europe which have not yet ratified the Sixth Protocol to the European Convention on Human Rights concerning the abolition of the death penalty to do so as a matter of urgency,
49. Is particularly concerned by the human rights situation of refugees; calls on the Community institutions and Member States to support the UNHCR in its efforts to uphold the rights and improve the juridical situation of refugees, and to ensure that they are not repatriated against their will,

#### ACTIVITIES OF PARLIAMENT

50. Believes that Parliament, through its links with political forces in third countries, and as the world's only international elected Parliament, has an active role to play in promoting respect for human rights, and that this corresponds to the wishes of millions of Community citizens,
51. Rejects any suggestion that its human rights activity could be deemed ultra vires, or as an interference in the internal affairs of third countries, and believes it is the duty of Parliament, making use of its various delegations<sup>1</sup>, to go beyond what might be deemed to be its formal competences,
52. Believes that, though its delegations, to an increasing extent, have been provided with background material on human rights by Parliament's 'human rights unit', the human rights work of its delegations would be further enhanced if:
- delegations were fully and routinely briefed about relevant human rights matters before every meeting with their counterpart delegation
  - rapporteurs on third country issues were invited to participate in the work of relevant delegations
  - delegations made it a standard practice to discuss human rights in preparatory meetings, and sought to make human rights, where appropriate, a formal part of the agenda at meetings with counterpart delegations

---

<sup>1</sup> Annex V

- delegations were committed to defending Parliament's point of view on human rights, as set out in its adopted resolutions, even at the risk of causing frictions with counterpart delegations
  - delegations, outside their official programmes, made a point, where appropriate, of mandating Members to make certain 'symbolic' visits - for instance, to political trials, to representatives of an independent judiciary, or to prominent lawyers specialising in defending human rights cases,
53. Believes that in its resolutions about human rights Parliament should increasingly instruct its delegations, when appropriate, to take up a particular matter, and that all of Parliament's reports about third countries should contain a section on human rights,
54. Believes that in addition to the work undertaken by delegations, specific fact-finding missions should be sent to third countries where human rights are a matter of serious concern,
55. Believes that while discreet initiatives can be effective in certain instances, where human rights violations are flagrant and systematic Parliament should take a clear, forceful and public position, which it should seek to concert with the presidency of the Twelve and the Commission,
56. Notes in this connection the importance attributed by many victims of human rights violations to public declarations in other countries, which in many instances represent their principal hope in the face of oppression,
57. Expresses once again its appreciation of the work of non-governmental organizations and individuals throughout the world who provide information for Parliament, sometimes at great personal risk;
58. Believes, that Parliament's objective should be to co-determine Community policy with regard to human rights, as could be said to be the case with the United States Congress, taking note also of the recent establishment by governments in certain Community countries of consultative bodies on human rights whose members include parliamentarians,

59. Believes that while the structures which exist in the European Parliament at present to service its human rights activities have been improved, they must be strengthened further, that the structures which exist within European Political Cooperation and the Commission are inadequate, and that unless this situation is remedied the credibility of the Community's human rights positions will be undermined,
60. Regrets, with reference to the above, the failure of the Bureau of the Parliament to act in compliance with paragraph 22 of its 1983 resolution on human rights in the world and its resolution on the 1984 budget, providing for the transfer of posts to the secretariat of the Political Affairs Committee, and urges the Bureau at least to increase the number of staff in the Human Rights Unit, pursuant to paragraph 45 of its previous resolution on human rights in the world, adopted on 22 October 1985,
61. Is in favour of the practice whereby the bureau of the Subcommittee on Human Rights provides the President of Parliament with an immediate opinion on motions for resolutions on human rights, tabled pursuant to Rule 48, but calls for a more coherent approach to be adopted when drawing up the list of urgent resolutions, in line with the importance which should be attached to human rights,
62. Undertakes to review some of its own procedures with regard to human rights, notably by examining its procedure for the adoption of urgent motions for resolution tabled under Rule 48, by exploring ways of reacting more rapidly when urgent action is required, and by examining the possibilities of making respect for human rights a factor in association agreements and admitting new members to the Community in view of the revision of Articles 237 and 238 in the draft Single European Act,
63. Considers that, further to the Flesch report<sup>1</sup> and the resolutions on human rights adopted at the ACP/EEC Joint Committee in Bujumbura and Vouliagmeni, the ACP/EEC Joint Assembly, should continue to develop appropriate procedures for raising human rights issues and cases of common concern, in the spirit of the relevant references in the Lome III Convention,

---

<sup>1</sup>CA/CP/528/res/fin.

64. Undertakes to make every effort to take human rights out of the 'party political' arena, and to seek a broad-based consensus on human rights matters, recognising that if Parliament fails to take clear positions, or appears half-hearted in its approach, its potential influence in human rights matters is thereby reduced,
  
65. Instructs its President to forward this resolution to the Commission, the Council, the Foreign Ministers meeting in European Political Cooperation, the Secretary-General of the United Nations, and the governments of all the countries mentioned in this motion for a resolution.



## EXPLANATORY STATEMENT

INTRODUCTION

1. This is the fourth time in five years that Parliament's Political Affairs Committee has drawn up an 'annual report on human rights in the world and Community policy on human rights - with the present document reviewing the period from January 1985 to mid-1986.

The previous annual reports all had three common objectives:

- to draw attention to specific human rights violations in third countries;
- to make proposals for the evolution of a consistent and comprehensive Community human rights policy;
- to review Community and European Parliament activities in the field of human rights during the period covered by the report.

2. Your rapporteur this year, has sought essentially to continue this approach. However, there are certain changes of emphasis in this year's text - largely as a result of the very extensive debate which took place in the Political Affairs Committee and in its Subcommittee on Human Rights following the adoption of last year's report.

3. Consequently, an attempt has been made in this document to focus on changes and developments which have taken place since January 1985, using the three previous reports as points of reference. For instance, with regard to Community human rights policy, it could be said that Parliament's basic position on so many issues already has been made so clear that it does not require exhaustive restating. However, there have been a number of policy developments in the past year, which your rapporteur has tried to bring into focus.

4. The relative brevity of the section of the resolution giving instances of human rights abuses - by comparison with the comprehensive summary of human rights violations in third countries contained in last year's resolution - clearly cannot be taken to mean that there is any less to report for 1985 to mid-1986. Suffice to read the annual reports drawn up by Amnesty International, Freedom House, The United States Department of State, and by various other bodies concerned with the documentation of human rights abuses (and which have proved invaluable sources of reference for the rapporteur).

5. Thus, omission of detailed references to many of the countries cited in last year's report should not be taken to indicate that the situation in these countries has ceased to give cause for deep concern - rather, sadly, that there has been little substantive change in the situation since the Van den Heuvel report.

#### A. HUMAN RIGHTS IN THE WORLD

##### Research

6. In seeking to establish the facts about the situation in third countries, valuable assistance has been provided by Parliament's research staff. Your rapporteur would make the observation, however, that though Parliament has established in its Legal Service a small 'Human Rights Unit' (consisting of one A 7/6 and one B 1 official), which can call on the services of a 'Special Adviser' (ex-A1), this unit remains inadequately staffed even to process properly all the information about human rights abuses received by the European Parliament, let alone to keep abreast of worldwide developments in human rights, and indeed of the variety of activities, relating to human rights, undertaken by different organs of Parliament itself. It need hardly be added that accurate human rights reporting - which is very often labour intensive - is an indispensable element in human rights work, if that work is to achieve credibility.

7. This indeed could be said to be one of the reasons why the section of the resolution referring to the situation in third countries is more limited in scope than might otherwise have been the case.

#### Political appreciation

8. A more significant reason, however, for not seeking to cover too much ground is your rapporteur's conviction that the complex geography of human rights does not lend itself easily to summary, and his belief that, all too frequently, statements about human rights in third countries turn out to be a matter of judgement - political judgement. Human rights are, after all, a political matter. At the same time, it must be stated that Parliament is much more likely to succeed in its objectives insofar as it can take this subject out of 'the political arena', and demonstrate a large measure of consensus about human rights issues. It is worth noting that, to date, Parliament very frequently has achieved that degree of consensus.

9. If, therefore, this first part of the explanatory statement seems to be little more than an overview of the human rights situation in the world, it is for these reasons, and also because your rapporteur feels that the relevant section of the resolution speaks for itself (recognising, at the same time, that the final version of this text may be amended to reflect the concerns and priorities of the Political Affairs Committee and of Parliament as a whole).

10. Thus no attempt has been made to set out in any in detail the situation in those countries where human rights violations are considered to be gross and systematic. Conditions in countries such as Afghanistan, Chile, China, Iraq, Iran, Kampuchea, Lebanon, Namibia, Paraguay, Syria and the USSR have been authoritatively described in a variety of other reports - often on the basis of first-hand information. And your rapporteur would be the first to concede that most of his information, and indeed of Parliament's information, about human rights violations in third countries, is provided by secondary sources.

#### Armed conflicts and states of emergency

11. Among the worst examples of suffering, and inhumanity, of course, occur in situations of armed conflict - whether in Central America, Lebanon or in the Gulf region. It will be noted that an implicit distinction has been made in the motion for a resolution between human rights abuses occurring in such 'war situations', or in situations of intense civil conflict, often in 'states

of emergency' and between human rights abuses which are routinely practised by the authorities in a particular country in order to preserve a monopoly of power.

12. This distinction should in no way be taken to suggest that we should be less than absolute in condemning human rights abuses in 'extreme situations', but that it is a factor to be taken into account in any assessment of the nature of human rights violations.

13. The distinction must always be made, of course, between a genuine state of emergency, and situations where a state of emergency is merely an instrument used by a totalitarian government to pursue its policies of repression - as is frequently the case. The example might be given, for instance, of Paraguay which remains in a 'state of siege' though there has been no 'emergency' there since 1948.

#### Repression of minorities

14. Your rapporteur also would wish to point out here how often, in his analysis, martial law is imposed and the provisions of a constitution are suspended by a majority community seeking to impose its will on a minority or 'opposition' group, whether ethnic, religious or political. Examples of countries where such situations are at the heart of internecine strife are Ethiopia, Lebanon, Sri Lanka, Turkey, Zimbabwe, and other countries in sub-Saharan Africa (where, it must be recognised, tribal conflicts have arisen partly as a result of the frequently arbitrary colonial divisions of the African continent), as well as more specific situations of minority persecution, such as that of the Turkish minority in Bulgaria.

15. Your rapporteur's perception of this phenomenon, of course, may well be influenced by his own origins in the Basque region of Spain. It is his conviction that minority communities, by their diversity, can be an enriching element for the nation as a whole, and that one test of a nation's maturity is its willingness to respect such separate identities. Needless to say, there are very many examples of countries where minorities can, and do, happily co-exist under appropriate constitutional provisions and safeguards.

## Torture

16. As already indicated, the general situation with regard to respect for human rights in the world during the period under review can only be described as bleak. One need only cite the phenomenon of torture - on which considerable attention was focussed as a result of the adoption of the United Nations Convention on Torture in 1984, and Amnesty International's campaign for the eradication of torture in 1985.

17. It has even been stated that torture is now more endemic, and is certainly practised by far more sophisticated methods, than it was in the first half of this century, or indeed than in many other times in human history. Torture is, however, a man-made phenomenon, and given the necessary commitment it can be eradicated - though the extent to which, in many countries, it has become an instrument of state policy suggests that powerful measures will need to be deployed.

18. Thus, while the establishment of the UN Convention on Torture is a positive development, it must, at the very least be backed up by adequate monitoring machinery. Accurate reporting on the incidence of torture remains vital - particularly when many governments still persist in denying in international fora that torture takes place in their countries.

19. Certainly, there can be no question of moderating our view of the practice of torture on 'cultural' grounds, or because of differences in levels of development. And torture, of course, both mental and physical, does occur in relatively 'advanced' societies - the Soviet Union, for example.

20. Nor can the countries of the European Community afford to take a complacent view of their own record on torture: in most Community countries there is, for instance, at present, little, if any, control over the export of police and 'security' equipment to countries guilty of gross physical repression. If European condemnation of the practice of torture is to be taken seriously, we must not be seen to put our principles aside for short-term economic or strategic interests.

21. The observation that we must consistently apply the same standards to all countries also, of course, must apply to our view of the whole range of human rights abuses. Respect for human rights cannot be seen as a 'luxury' enjoyed by a certain number of relatively prosperous and homogeneous 'Western' democracies. Indeed democratic systems of government and respect for the rule of law have been found in a variety of ages and cultures, and now flourish in societies as diverse as India and Botswana.

#### Widespread abuses of human rights

22. Torture is only one of a number of generalised occurrences which contributed to making the human rights picture during the period under review so bleak. 'Disappearances', political killings, massacres, persecution of minority groups took place on a considerable scale in many regions of the world.

23. A particularly striking phenomenon during the period 1985-6 has been the substantial upsurge in the number of refugees and displaced persons - concentrated particularly in, or near, regions of political turbulence, such as the Horn of Africa, Central America, the North West Frontier and Southern Africa. The world's refugee population in 1985 was estimated at approximately 16 million - many of them children.

24. Tribute should be paid here to those countries, such as Pakistan and Sudan, which have been prepared to host very large concentrations of refugees, as compared with other countries whose governments deliberately provoked a large exodus of refugees from their territory. Certainly, Europe's own record in receiving refugees is far from exemplary - including cases when 'political asylum' is requested.

#### Death penalty

25. One area where it may be possible to say that there has been some improvement in the situation is in application of the death penalty. While it would be rash to state that there is any sort of general 'abolitionist trend', it is worth recalling that the death penalty has now been abolished for ordinary offences in most of the countries of Western Europe, and that the Sixth Protocol to the European Convention on Human Rights ratified by six

nations, is now in force. Australia became the 28th country in the world to have totally abolished the death penalty. Also, according to Amnesty International, there may have been fewer judicial executions in the world in 1985 than in the previous year. In 1984 the number of documented death sentences passed was 2.068 in 55 countries, and 1.513 executions carried out in 40 countries; in 1985 1.489 death sentences were passed in 61 countries and 1.125 executions carried out in 44 countries. It is impossible to know, however, if this represents a real reduction since the true figures are believed to be much higher.

26. Your rapporteur already has indicated that any identification of 'trends' in the human rights field must be done with extreme caution. Very rarely is it possible to indicate significant changes from one year to another. In addition, of course, 'progress' towards respect for human rights is very often a case of two steps forwards and one step backwards.

#### Elections

27. With this caveat in mind, your rapporteur would tentatively advance the view, that among the positive developments in the period under consideration, one could be said to be a general upsurge in democratic aspirations in various parts of the world.

28. South America is the most significant regional example of this 'trend' as was reflected in the Political Affairs Committee report adopted on 17 January 1986 on the situation in South America<sup>1</sup>. Clearly, there will almost inevitably be regressions - the situation in Ecuador and Peru, for instance, is characterised by considerable instability at present; and the treatment of indigenous peoples in a number of South American countries remains abhorrent. Nevertheless, the fact is that in South America there are now a majority of working democracies - with only Paraguay and Chile still under absolute dictatorship. The most impressive examples of social and governmental transformation have taken place in Argentina and Uruguay.

---

<sup>1</sup> OJ C36 og 17.2.1986

29. In Latin America elections have taken place in Argentina, Bolivia, Brazil, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Peru and Uruguay - though the extent to which certain of these polls may have been 'free and fair' is questionable. In the case of Nicaragua, of course, many observers will point to the repeal in October 1985 of 13 articles of the Nicaraguan People's Statute on Rights and Guarantees (including freedom of expression, of association and of the press) as simply one further step towards totalitarian rule.

30. The fact remains, though, that on the American continent as a whole, there are now more democracies - albeit extremely fragile in some cases - than there are in Europe. And there can be certainly no calling into question the aspirations of the people of the Americas towards democracy. One need only look at the determination of the electors in El Salvador to go to the polls in the face of fierce intimidation in 1985. This sort of example must surely reinforce our determination, as a Parliament, to build bridges with the democratic forces in third countries, in the belief that free elections are the best guarantee of political plurality and of exposure and punishment of human rights abuses.

#### Reversal of dictatorships

31. The most recent American country to rid itself of tyrannical rule was Haiti. And although there must be a major question mark about the extent to which this represents a genuine transfer of power, and not simply a replacement of dictatorship by oligarchy, this example, too, could be seen as part of the trend indicated above.

32. Equally dramatic reversals of regime occurred in the Philippines, Sudan and Uganda with a prospect of more humane government in those countries - though the renewed civil strife in Uganda seems to be putting at risk the improvement in the human rights situation that was noted initially under the military government which came to power in January 1986.

33. These examples do illustrate how difficult it can be to make the transformation from a tyrannical to a genuinely pluralistic society. And although there can be no question that the application of the basic rules of free democracy do provide the best guarantee for respect of human rights, your



rapporteur believes that the European Community should seek to encourage any form of government which appears genuinely committed to the welfare of its people. In Africa, for instance, the one-party 'democracies' in Tanzania and Zambia, could be given as examples of committed attempts at humane government.

34. One could even go so far as to say that the conduct of popular elections is not, of itself, a guarantee of an improvement in the human rights situation: the presidential elections which took place in Nigeria in 1983 were widely held up as a model for other African countries - yet it must be admitted that the military government which took over in 1985 was not seen as a step back for human rights. Such apparent paradoxes, with respect to improvements in the human rights situation are too numerous to mention. There even have been cases of military invasion being justified on human rights grounds - for instance, the assistance given by Tanzanian forces to overthrow the Amin government in Uganda in 1979.

#### Countries with close ties to the European Community

35. The role of the European Community must be to encourage positive changes where they occur and to foster the political will to make changes - especially in those countries with which we have close ties. Particular mention might be made in this connection of Turkey, Pakistan and certain ACP countries where the human rights situation has been thoroughly debated by Parliament since 1985.

36. In the case of Turkey, Parliament, while recognising that there had been certain improvements, called for relations to remain 'frozen'<sup>1</sup>: your rapporteur believes this standpoint was right with regard to a country which is a candidate member of the European Community.

37. The Community's relationship with Pakistan is less close than with Turkey, but while debating the new and wide-ranging EP-Pakistan trade and cooperation agreement<sup>2</sup>, similar concerns were raised in Parliament. Although

---

<sup>1</sup> OJ C343 of 31.12.1985

<sup>2</sup> OJ C88 of 14.4.1986

the Commission has stated that one factor in the Community's willingness to conclude the new agreement was progress made in Pakistan towards elections, it remains to be seen whether this progress will be maintained.

38. It is, of course, not mere accident that Parliament's discussions about human rights, in particular in the Political Affairs Committee and in its Human Rights Subcommittee, very often, have focussed on countries with which the Community enjoys close relations. Very often, in fact, a number of motions for resolution tabled about human rights in a third country are a reflection of our very proximity and concern about a particular country.

39. Your rapporteur believes that in relation to countries falling into this category, the Community must also seek to make use of as many positive modes of influence as possible, and not simply resort to mere condemnation. The fact that close relations exist can mean that these countries can be more susceptible to outside influence, thus justifying the additional amount of attention that Parliament pays to them, as compared, for instance, with countries like China and Vietnam, where the scale of abuses may be very much greater.

40. Certainly, as a citizen of a country which made the transition from dictatorship to democracy relatively recently, your rapporteur would wish to underline the importance of positions taken formerly by the Community (with regard notably to Greece, Portugal and Spain).

41. In this connection revision of Articles 237 and 238 in the draft Single European Act could prove extremely significant since this would, in effect, permit Parliament to prevent conclusion of an association agreement or a new Member State from acceding to the Community on human rights grounds.

#### Consistent standards

42. Where close ties exist, of course, it is that much easier for our position to be influenced by strategic or economic considerations. It has been said that nations don't have friends or enemies, they have only interests; and, to use once again the examples of Turkey and Pakistan, it must be recorded that critics of Community policy have stated that in the

cases of both countries, a change of attitude by the Community on human rights matters, has been dictated by a change in the Community's perception of its own interests.

43. The Community cannot afford to allow this to be the case. If interests are concerned, then our primary interest must be for stability, and stability cannot exist in circumstances of repression, which invariably only mask a potentially explosive situation beneath the surface.

#### Popular participation in the political process

44. In this brief review of events in 1985/1986 your rapporteur must state once again that he is all too aware that he is simply offering an overview, and that even where he has sought to pinpoint a situation, that situation can change only too rapidly. The slide from relative liberality to repression can be very rapid indeed.

45. Where change for the better is concerned your rapporteur must restate his view that to be really lasting and meaningful, change must involve the people. The importance of popular participation in the political process, through free elections, already has been underlined.

46. As has been recognised, abuses, of course, can, and do, occur in countries with established democratic systems. The example might be given of the instances of extreme police brutality in India. However, the means to curb such excesses exist because of India's established democratic traditions.

47. But democracy does need to be constantly nurtured; and there is no shortage of examples of nations with long democratic histories (such as Chile and Sri Lanka) being forced to set aside their democratic guarantees, and sinking into communal strife. Hence the importance of Parliament and the Community giving the maximum support possible to democratic forces in other parts of the world.

B. CSCE

48. The European Parliament has taken an extremely close interest in the evolution of the Helsinki process, in view of our historical links and geographical proximity to those countries of Eastern Europe, which now form part of the Warsaw Pact. Indeed, the late Italian Foreign Minister, Aldo Moro, signed the Helsinki Final Act in 1975 both on behalf of Italy, and on behalf of the Community, as President-in-Office of Council.

49. There must, therefore, be very deep concern that, more than ten years after conclusion of the Helsinki accord, as far as the human rights provisions of the Final Act are concerned, the balance sheet remains blank.

50. In November of 1986 the third CSCE review conference began work in Vienna. It takes place at a time when, according to Anatoly Scharansky, who was finally accorded an exit visa to Israel in 1986, the situation in Soviet labour camps is even worse than it was in 1975. As for those courageous individuals who established the various Helsinki 'monitoring groups', all but a handful are now behind bars, or leading a marginal existence.

51. One particular provision of the Helsinki accord in which the European Parliament has taken a special interest - in view of the number of cases brought to its attention - concerns family reunification. With regard to the Soviet Union, however, this is an area where there has been virtually no progress, and little more in other countries of Eastern Europe, though there are instances of certain East European countries taking a more flexible view, and showing themselves to be more susceptible to outside influence.

52. It is a matter of great regret, therefore, that the 'expert-level' meetings on human rights and human contacts in Ottawa and Berne in 1985 and 1986 saw no substantive progress in this area - both conferences ending without a concluding document, and, at Soviet insistence, being held for the most part behind closed doors.

53. There was particular disappointment in Parliament's Human Rights Subcommittee over the failure of the Berne meeting, which was intended to move away from more general East-West human rights issues, and to discuss concrete problems, such as questions of family reunification. The fact that a split

appeared to develop between Community nations and the United States, thus preventing adoption of a final text which would have provided for modest improvements in individual East-West communications, also must be deeply worrying. It is recognised that a number of exit visas from the USSR and Romania were granted shortly after the conference. Nevertheless, it cannot be pretended that the outcome gave any real grounds for optimism.

54. The Subcommittee's disappointment was compounded by the fact that, in the absence, for the present, of significant direct European Community relations with Eastern Europe, and the virtual absence of parliamentary contacts (though an EP delegation has been formally constituted), CSCE is one of the few channels for raising human rights matters of mutual concern.

55. Your rapporteur believes, therefore, that every opportunity should be sought to bring cases of concern to the notice of the authorities of the USSR and of other East European countries - making use particularly of direct contacts (as was, in fact, done on occasions in the past by certain European Parliament presidents in meetings with East European leaders). Consideration should also be given to making any such approaches public; the example might be recalled here of how French Minister Laurent Fabius made a point of handing a list of names to General Secretary Gorbachev when they met in Paris in October 1985.

#### C. UNITED NATIONS

56. Criticism often has been made of the United Nations human rights system for failing to address itself sufficiently concretely to human rights problems, and devoting too much time to general debates about political issues which often seem marginal to human rights concerns. Previous European Parliament rapporteurs have made the observation that the UN Human Rights Commission, hampered by its intergovernmental nature, has moved a dispiritingly long way from what was envisaged at the outset in the early post-war years. It is certainly a depressing spectacle to witness countries, known to systematically violate human rights on a considerable scale, denying in open forum that any such violations take place.

57. Your rapporteur, however, believes that despite this trend towards 'politicisation' of human rights at the United Nations, that the UN organisations remain without question the world's foremost human rights bodies, and that their work in 'standard setting', is among the most substantial achievements of the UN as a whole. Your rapporteur thus notes with satisfaction that the past several years do appear to have seen a trend towards giving greater teeth to United Nations instruments.

58. Clearly, despite the efforts being made, progress towards implementation and enforcement of the standards set is extremely difficult. It might also be mentioned that only approximately half of the UN member states have in fact ratified the 1966 covenants. Your rapporteur has, nonetheless, detected a determination in certain sectors of the United Nations to make compliance with the UN's international human rights instruments a priority.

59. Some of the more recent positive developments in UN human rights work that your rapporteur would single out include:

- the increased tendency to nominate special rapporteurs to look into the situation in specific countries and to investigate human rights issues of pressing concern
- the precedent set with regard to the above in appointing a rapporteur to investigate the situation in Poland (the first instance where this has happened in the case of an East European country)
- moves to review the 1503 confidential procedure provided for under the Covenant on Civil and Political Rights
- increased technical assistance on human rights to third countries seeking support in establishing appropriate mechanisms for protection of human rights
- work done towards elaborating a number of declarations and covenants, such as the draft Convention on the Rights of the Child, the draft Declaration on the Rights of Persons belonging to national, religious and ethnic minorities, the draft Convention on the Human rights of Migrant Workers and their Families, and the draft Declaration on the Human Rights of individuals who are not citizens of the country in which they live.

60. One recommendation which your rapporteur particularly would wish to advance is that, as provided, representatives on bodies such as the Committee on Human Rights, should be independent experts and jurists serving in their personal capacity, and not government officials or diplomats. Your rapporteur feels strongly that this also should be the case with delegates to the United Nations Commission on Human Rights.

61. With regard to European Community participation in UN bodies, it is clearly of fundamental importance that the Community should on all occasions seek to take a common position. Certainly the Community has given particular emphasis to its positions on human rights at the United Nations (cf statements by successive presidents-in-office to the General Assembly).

62. Your rapporteur, however, is aware of instances where the Community countries did not vote together on human rights matters; more information on these instances - and the reasons for any divergence of view - would be appreciated by Parliament's Subcommittee on Human Rights (possibly, as part of any further memoranda submitted by EPC to the Political Affairs Committee, as requested in the accompanying motion for a resolution.)

63. One particular issue on which your rapporteur believes the Twelve should press is for the reconvening as soon as possible, of the Subcommittee for the Prevention of Discrimination and Protection of Minorities, the principal subsidiary body of the UN Commission, which is generally recognised to have done some of the UN's best human rights work. The Subcommittee's Autumn session did not take place this year for budgetary reasons.

#### D. COMMUNITY POLICY

64. Your rapporteur has been pleased to note that subsequent to the period covered in last year's report there have been a number of positive developments in the area of Community policy; and while, taken individually, none of these developments could be considered a major breakthrough, taken as a whole, they could be seen as a significant step forward by comparison with previous years.

65. At the most general level, this has meant a greater awareness of the role the Community can, and must, play in the sphere of human rights. In view of the multifarious relations the Community enjoys with third countries, its sheer size as a trading bloc and its potential for influence in the sphere of human rights, it is surprising to note that during the recent period of intense debate about the human rights aspect of foreign policy which has taken place in a great number of countries, this has not been to the same extent the case with the European Community. A comparison might be drawn with the United States, where, for instance, the conduct of policy towards certain countries (El Salvador is one example) could be said to revolve around human rights issues.

66. That, clearly, is not to say that the Twelve have not taken a stance on human rights issues; and the Commission also has taken action over the years in pursuit of human rights objectives. EPC, however, has tended to prefer, very often, 'discreet' methods, and the Commission, apparently, often finds its scope for action circumscribed by the constraints of the Treaties.

67. Your rapporteur, however, cannot accept the view that there is no particular mandate in the Treaties to raise human rights matters. Human rights is an essential element of European Community identity, which could be said to be implicit in the Treaties and which was affirmed in the 1977 Declaration on Democracy and in the July 1986 Declaration on Human Rights by the Foreign Ministers of the Twelve. This has been reaffirmed in the preamble of the Single European Act, which also brings European Political Cooperation within the scope of the Community framework. This should, ipso facto, mean that there is more scope now for a combined Community/EPC approach on human rights matters, and that indeed there may now be more scope for coordinating Community human rights policy with the bilateral policies pursued vis-a-vis third countries by Community governments.

68. Nevertheless, it would be a significant step forward if the Community's acquired competence in human rights matters was more explicitly grounded in Community law. It is proposed, therefore, in the accompanying draft resolution that the Commission, on the basis of Article 235, having regard to paragraphs 3 and 5 of the preamble of the draft Single European Act and to the 1977 and 1986 Declarations, should submit to Council a proposal for an appropriate form of 'Community act', which would endow the Community with a specific legal



mandate governing its human rights activity. One area that might be examined in this connection is how human rights could be made part of the mandate conferred on the Commission by Council in negotiations with third countries.

69. Your rapporteur feels it important that concern for human rights should be seen to be as much a matter for the Community as such, as for European Political Cooperation. It might be observed, for instance, that the July 1986 Declaration on Human Rights by the Foreign Ministers of the Twelve might have been an even more positive development if the Community institutions as such, and not least Parliament, had been associated with this initiative.

70. With regard to developing concern for human rights within the Community institutions, your rapporteur wonders whether human rights matters cannot be made a more significant aspect of the work, for instance, of the Commission staff. Commission desk officers could be asked to take human rights more systematically into account; and, although it is recognised that the Commission's role in development policy could be compromised if its delegates took a higher profile on human rights matters, there would seem to be no reason why their function could not include a degree of discreet 'human rights monitoring', possibly in cooperation with the Ambassadors of the Twelve in a given country. Certainly, in Parliament's experience certain Commission delegates have proved to be particularly well informed, and have indeed, on occasion, confidentially offered their appraisal of a human rights situation in a country, providing valuable specific information to visiting Parliamentary delegations.

Memorandum by EPC

71. With regard to EPC and Community human rights policy, the Political Affairs Committee particularly welcomed the submission of a memorandum<sup>1</sup> by President-in-Office van den Broek on 27 May 1986 on action taken within the framework of European Political Cooperation - thus responding to requests made by Parliament in its previous annual reports. Although this text focussed principally on methodology, Mr van den Broek's oral statement to the Political Affairs Committee also provided concrete examples of EPC human rights

---

<sup>1</sup>Annex V

activity, which were of considerable interest and value to the Political Affairs Committee. The Political Affairs Committee, of course, has respected the confidential nature of the information conveyed orally.

72. Following this meeting, it was clearly the view of the Political Affairs Committee and of its Subcommittee on Human Rights, that this exchange could point the way forward to much closer cooperation. Certainly, instances will arise where Parliament's perception of how a human rights matter should be addressed will be different from the view held by the Twelve, and there were examples of this in the course of the discussion. But there is unquestionably considerable scope for working together on human rights matters if satisfactory mechanisms for cooperation can be established.

73. In his presentation, the President-in-Office did offer suggestions as to how this dialogue on human rights could be further pursued - possibly in direct contacts to the Human Rights Subcommittee, if it proves difficult to organise further exchanges within the context of the quarterly colloquies. Your rapporteur believes, therefore, that these options should be further explored.

74. Also, with regard to mutual exchanges of information, your rapporteur believes that now would be an opportune moment also to work towards putting into effect the proposals advanced by Commissioner Sutherland (speaking on behalf of President Delors<sup>1</sup>) that an exchange of information could take place about confidential human rights demarches and human rights issues 'at the highest level' between Commission and Parliament.

#### Parliament resolutions

75. The extent of the abovementioned advances, which might seem modest, could be measured by reference to the reply received by Mr van Miert in reply to a written question to Council<sup>2</sup> about the consideration given to the European Parliament's annual report for 1983; the reply stated simply that this resolution had not received detailed Council consideration. It should also be

---

1. EP Debates No. 2-331, 17-21.2.1986, p.46

<sup>2</sup> OJ No. C65 of 13.3.1985

recalled that earlier efforts, under successive Luxembourg, Netherlands and U.K. presidencies some five years ago, to establish a dialogue with EPC met with a negative response.

76. The situation today, according to two recent Presidents-in-Office, is that Parliament's resolutions are routinely scrutinised by the various EPC bodies, and that Parliament's resolutions are in fact sometimes used as a basis for a demarche towards a third country.

77. More generally, it could be stated that Parliament resolutions do appear to have an effect. There is often quite considerable lobbying by representatives of third countries before texts are adopted. And reactions to these resolutions often have been expressed in very strong terms. Thus, the sensitivity of governments of third countries to Parliament's positions should not be underestimated. Your rapporteur feels bound to stress in this connection how important it is that all EP resolutions should be based on well-attested information.

78. While, in general, the above developments are positive, it must also be said that there remains a very long way to go. However, clearly, there has been progress in making the Community more publicly accountable in this sphere of human rights. It is the duty of Parliament to foster this process.

#### Future annual reports

79. The EPC memorandum is one aspect of this process. Your rapporteur would like to envisage the day when such a text - though rather more substantive - would regularly be published, possibly as part of Parliament's own annual report. This must surely be a feasible objective, bearing in mind the annual report drawn up for Congress by the United States Department of State. If indeed we do consider that human rights is an essential element in the Community's identity, such a text would serve to enhance public perception of that identity, and might also prove extremely valuable in highlighting where European positions on human rights may differ from those of the United States.

80. It has been made clear to the Political Affairs Committee that there would be certain practical problems to overcome, notably the absence, at present, of proper central records about EPC, not to mention the difficulties

of arriving at common positions acceptable to all Member States. The fact remains, however, that almost all Community Foreign Ministries do, to a greater or lesser extent, monitor observation of human rights in third countries, and that this information is compiled. Thus, a substantial body of documentation does exist within the Foreign Ministries of the Twelve.

81. Your rapporteur's conviction is that reporting on human rights, though still a relatively limited function in certain European countries, would be a very important element in human rights activity, and indeed a foreign policy instrument as such. It should not be forgotten that the United States State Department Report does not simply provide information to Congress, it also serves the function of conveying to the world at large US foreign policy considerations with regard to human rights.

#### EPC structures

82. With regard to making such material centrally available, this surely should be feasible when an EPC secretariat is established in accordance with the Single European Act. This could provide a contact point with other Community institutions seeking more detailed information. It has been intimated by the Presidency of EPC that communication at this level would be a possibility. Since human rights is an area where Parliament and EPC would appear to share common views in most instances, there should surely be no particular reason why there should not be more pooling of information. Parliament's concern, of course, would be to be advised in more detail of specific actions taken, or envisaged, so that it, in turn, could follow up, or complement, these initiatives.

83. Another innovation that undoubtedly would help this process would be for EPC to establish a Human Rights Working Group similar to those which cover other areas of EPC activity.

84. Greater involvement of Parliament with EPC work, in fact, could be seen as analogous to developments in some Community countries where foreign ministries are advised by consultative committees on human rights, in some cases including Parliamentarians.

The Commission and Community policy

85. Most members of the Human Rights Subcommittee and of the Political Affairs Committee remain convinced (as stated in earlier annual reports) that consistent policy guidelines can and should be spelt out by the Commission. That is not to say, however, that there is no understanding for the Commission's stated preference for a more ad hoc approach, addressing human rights matters on a case-by-case basis.

86. Nevertheless, the Commission has stated, on numerous occasions, that it does apply human rights criteria in evaluating its relations with third countries. A more explicit statement of the criteria it applies could, therefore, be expected - particularly in view of examples that have been given, sometimes unofficially, of instances where the Commission has intervened - on occasion, apparently, to some effect.

87. Parliament is aware, however, that not all the Members of the Commission take the same view as to the extent to which, and indeed how, the Commission should intervene where human rights are being flagrantly violated.

88. There would almost certainly be even more difference of view, at times, between Parliament and Commission on the most appropriate policy to pursue. One example might be the Commission's consistent rejection of the idea of any element of 'conditionality' with regard to development aid - though sections of the Parliament do hold the view that this could be a feature of human rights policy and would wish to see some form of "linkage" between cooperation with third countries and human rights performance. Such differences, though often more of emphasis than substance, came out very clearly in the meeting which took place between Vice-President Natali and Members of the Human Rights Subcommittee on 28 February 1986.

89. There would thus appear to be all the more reason for an explicit report by the Commission of the guidelines applied in human rights matters. This is now long overdue, in view of the precedents for action which exist, and bearing in mind that EPC has felt itself able to come forward with a memorandum to Parliament.

90. Such a memorandum would do much to clarify the Commission's position. Leaving aside any details about discreet action taken by the Commission, it must be noted that individual Commissioners frequently have gone on record about the way human rights factors have been taken into account, particularly in regard to the conclusion of external agreements. It should, therefore, surely be feasible to state what, and if, common criteria have been applied.

91. Although certain Commissioners did appear to take the view that, in theory, human rights in this instance did not come fully within the ambit of the Treaties, this can no longer be a seriously tenable position. The point already has been made about Community and Political Cooperation mechanisms coming closer together, and that this process is likely to continue in the light of the Single European Act. Indeed, Community instruments are, of course, used in pursuit of Political Cooperation decisions. One example would be the sanctions imposed during the Falklands crisis.

92. In short, human rights cannot be considered exclusively a domain for Political Cooperation. There is the case, for instance, of the Lome III Treaty - an accord between the Community and its ACP partners. And certainly, one element that might be expected to figure in any memorandum of policy from the Commission would be some indication of the Commission's view as to how the human rights provisions in the Lome III Treaty might be invoked. In particular, what relation might this bear to the dispositions laid down in 1979 by Council with regard to gross and systematic violations in third countries, and which were applied by the Commission in the cases of Equatorial Guinea, The Central African Republic and Uganda.

93. Other matters which might be addressed in a memorandum could be questions of funding for human rights projects, coordination between the portfolios of the three Commissioners principally involved with Commission relations with third countries, and, as mentioned earlier, the mandate of Commission delegates.

94. In making these observations, your rapporteur certainly does not wish to call into question the good faith of the Commission in its approach to human rights. Indeed, the fact that human rights as such has been made part of the portfolio of the President of the Commission could be taken as an indication of the importance attached to this sector.

95. It must also be recognized, however, that human rights matters, in practice, are dealt with by various Commissioners and Commission departments - just as, within Parliament, different aspects of human rights fall within the competence of various parliamentary committees. This situation, of itself, often has made a coherent dialogue between the institutions difficult to achieve.

96. Your rapporteur, therefore, would wish to propose that a dialogue be initiated with the President of the Commission about the coordination of the human rights policy, and to explore also the possibility of the designation of a Commissioner, or a senior official, or a member of the President's personal staff who could act as a day-to-day interlocutor over a range of human rights issues..

#### Human Rights Staff in Community Institutions

97. With regard to the infrastructure for human rights work in all three major Community institutions, your rapporteur was struck by the comparative paucity of staff in this sector. There can be no doubt that if a serious attempt is to be made to give human rights a higher profile in Community activity, as Parliament would wish, greater resources must be made available in the institutions to undertake this work.

98. There has been some modest progress in this direction in the Parliament with the establishment of a small 'Human Rights Unit'; and the Commission has appointed a 'Human Rights Coordinator' in its general secretariat - though this is not even a full-time function; with regard to Political Cooperation, it is apparent that there is only any real impetus and coordination of human rights work when the presiding Presidency fully deploys the human rights-specialised officials on its Foreign Ministry staff - an all-too rare occurrence.

99. Though there is now is has led to an embryonic working relationship between human rights officials in the various Community institutions, a corpus of Community human rights officials does not exist as such, and its establishment should be a priority. Furthermore, it would surely not be going

too far to suggest that a general programme of human rights 'education' would be valuable - in particular for desk officers with specific third country responsibilities.

100. Unless a corpus of 'human rights officials' can be established either as a pool, or cooperating closely from within their respective institutions, we cannot pretend that human rights is a cornerstone of Community activity. Of course the Community always will have to rely in some measure on 'secondary' information, but it must also be capable of conducting its own reporting and making its own evaluations. Reports also could be a more fully developed function of embassies of Community countries, the staff of which could also benefit from a greater degree of human rights education.

#### F. ACTIVITIES OF PARLIAMENT

##### Intermediary role

101. As has been made clear, the European Parliament, to a large extent, sees its role as a channel between popular grass-roots expressions of concern, by electors, and international activity. The importance of this role is that human rights cannot be simply a matter for governments and their officials - one weakness perhaps of the United Nations human rights system, since governments often are reluctant to attack other governments. Human rights, in short, is as much a secular as a governmental matter.

102. Parliament's role as a 'funnel' has been made considerably more significant in the light of the tremendous growth worldwide, during the past twenty years, of concern about human rights by individual citizens. (The fact that human rights is deemed by many to be a matter for 'the people', may be one of the reasons why the recent establishment in certain countries of government ministers with responsibility for human rights has not always been welcomed by non-governmental organisations.)



103. Certainly, Amnesty International's success is founded on the commitment of its rank- and- file members. And, to mention also the work of other NGOs, it is worth noting that they often have been said to be the main providers of information to the United Nations Centre for Human Rights, and thus to UN human rights bodies.

#### Proliferation of activity

104. Your rapporteur believes, therefore, that Parliament's role also must be an activist one, reflecting the concerns of individual citizens. It must be admitted, however, that with the limited resources already mentioned above, Parliament cannot at present adequately take up more than a small number of the cases which are brought to its attention. Your rapporteur, therefore, also believes that, in so far as 'case work' is concerned, Parliament has no choice but to be selective in its approach.

105. The Human Rights Subcommittee, faced with a considerable range of proliferating initiatives within the Parliament about human rights and an ever-growing number of cases and of motions for resolution referred to it, has sought to induce a more coherent 'channelled' approach to human rights. But, despite its efforts, it is proving extremely difficult even to keep track of all the initiatives undertaken - for example, by individual Members or political groups.

#### Urgent debates

106. One priority of the Subcommittee with regard to reviewing Parliament's systems for dealing with human rights concerns the procedure for adoption of resolutions in urgency debates. Your rapporteur is aware of the proposals which have been made to revise Parliament's Rule 48 procedures, and would not wish to prejudge the effectiveness of any new system that might be put into effect.

107. One proposal, however, that would seem to merit careful consideration is that put forward by the Chairman of Parliament's Liberal Group, Mrs Veil, that at every part-session the last ten minutes allocated to urgency debates should be devoted to human rights (thus ensuring that these motions were in effect voted). Another idea, advanced by a Member of the Human Rights Subcommittee,

Mrs Lenz, the Chairman of the Committee on Women's Rights, was for a procedure to adopt those human rights resolutions, on which there was inter-group agreement without debate. This proposal was subsequently taken up in the Political Affairs Committee's opinion (draftsman : Mr PRAG) to the Committee on Rules of Procedure and Petitions on revising the procedure for 'urgent' debates.<sup>1</sup>

108. It should also be mentioned that during the past year the 'Human Rights Unit' and the Bureau of the Subcommittee has sought to draw up a 'list of priorities' and recommendations about the human rights-related motions for resolution tabled for debate under Rule 48, which is then forwarded for consideration to the Political Group chairmen. It must be said, however, that this experiment has not proved entirely satisfactory, since, all too often, human rights issues are considered to have less weight than other matters proposed for urgent debates.

109. Another suggestion that your rapporteur believes might be explored is to make more use of 'declarations' on human rights adopted under Rule 49 - particularly if the current procedure could be simplified by permitting, for instance, group chairmen to sign a resolution on behalf of all the Members of their group.

#### Interparliamentary delegations

110. Another innovation within Parliament has been an agreement, in principle, with the delegation chairmen<sup>2</sup> to raise human rights matters at meetings of interparliamentary delegations. Your rapporteur, however, believes this procedure can be developed further, and believes also that there is still a degree of reluctance by a number of delegation chairmen to put this agreement into effect. Nevertheless, it would seem that human rights matters are figuring increasingly on the agenda of interparliamentary meetings<sup>3</sup>.

---

<sup>1</sup> Doc. A2-0168/86

Annex VI

Annex V

111. Parliament's approach to its meetings with representatives of third countries would be much enhanced if every Parliamentary delegation could be provided with a briefing paper, to be discussed at preparatory meetings, listing human rights cases and issues which could be raised with counterpart delegations.

112. Your rapporteur believes that very frequently delegations from other countries are more willing to talk about human rights matters than might be supposed. (Certain examples during the past year appear to bear this out.) Clearly, it will not always be feasible for human rights to be on the agenda at delegation meetings - not least because of opposition to this by counterpart delegations.

113. But if formal discussions do not prove possible, there would appear to be no reason why Parliament, through its delegations, and at the suggestion of its Human Rights Subcommittee, should not seek to solicit written responses about human rights from the authorities of third countries.

114. There would also appear to be no reason why Members of delegations should not, outside the formal framework of the delegation meeting, make a call on the justice minister of a third country calling to his attention a number of selected human rights cases. It might also be envisaged that selected delegation members could request to visit gaols, attend political trials, or make 'symbolic' visits to lawyers prominent in defending human rights cases.

115. Certainly, the effect of a visit, for instance, to a prominent 'opposition' lawyer could attract considerable attention, and might well be reported in the local press and the media. In this connection, it might also be mentioned that even a written question about human rights tabled in Parliament might well be reported by the local press in a country many thousands of miles away - another example of how Parliament and the Community must have adequate structures to ensure that such information is actually relayed. It is also an example of the importance of follow-up in the area of human rights. (Your rapporteur has been made aware of numerous more substantial types of initiative where the potential effect has been minimised because they have not been fully followed up.)

116. It should be noted that when raising human rights issues, Parliament does have the advantage that it is frequently perceived by third countries - quite properly - as speaking for the Community as a whole. Certainly, the extent of the lobbying of Members of Parliament, and indeed of other institutions, about the inclusion in previous annual reports of references to third countries (particularly where a trade agreement was under discussion) does indicate that Parliament's positions may indeed have had a positive effect on third country negotiators and their governments.

#### Regionalisation of human rights

117. It is also very much the Human Rights Subcommittee's thinking that in our contacts with third countries, and in particular with groups of third countries, that we should seek to encourage the 'regionalisation' of concern and development of regional institutions for human rights. This view has long been held by most Members of the Subcommittee and the Working Group which preceded it. It could be said that there are definite trends in this direction. The developments in the ASEAN region in recent years (with the establishment of an Asian Human Rights Commission, an Asian Legal Resource Centre and adoption of a Declaration of the Basic Duties of ASEAN peoples and governments) could be given as an example. In the Americas the number of American states which recognise the binding jurisdiction of the Inter-American Court of Human Rights rose to eight in 1986, and there is now a Latin American Covenant on Torture. Previous annual reports referred to regional developments in Africa and the Middle East.

#### Fact-finding missions

118. Another idea that your rapporteur would advance is that, in addition to the human rights work undertaken by its delegations, Parliament should envisage sending specific fact-finding missions to investigate the human rights situation in third countries.

119. As well as seeking to evaluate the realities with regard to the situation of prisoners of conscience, conditions in prisons and other aspects of respect for human rights, such missions could establish ties, and seek to support, those independent judiciaries which exist, as well as making contacts with representatives of democratic forces.

120. On occasion, a mission might be envisaged with regard to one specific political prisoner. This suggestion was made with regard to Dr Sakharov<sup>1</sup>. Another example of a mission, undertaken in a personal capacity, by Human Rights Subcommittee Vice-Chairman, Lord Bethell, was his meeting in January 1985 in Pollsmoor Prison, with South African black nationalist leader, Nelson Mandela, which attracted wide public attention.

#### Visits by heads of state

121. Another practice that might be instituted on a more regular basis is that the President of Parliament, on the occasion of a visit to Strasbourg by head of state from a third country could formally hand over a list of human rights cases about which the Parliament is particularly concerned.

122. Certain presidents of Parliament, of course, in the past have raised the situation of specific individuals in their direct contacts with foreign heads of state. And it is the case that foreign ministers in various Community countries do make a practice of formally raising human rights cases of particular concern in their meetings with their foreign counterparts.

#### Specific cases

123. The foregoing remarks have sought to give a general picture of the development of Parliament's human rights activity. No attempt has been made - for reasons of confidentiality - to detail the specific interventions by the European Parliament. Reactions to these demarches have been mixed, and it is very difficult to ascertain what effect they may have had. But your rapporteur feels, however, that the reactions received, of themselves, are of significance and indicate the importance of Parliament continuing on the course on which it has embarked.

124. It is appreciated that in many respects, such activity could be seen as 'casting bread upon the waters'. It could also be said that, as was stated earlier, 'case work' may perhaps form too great a part of our activity - especially in view of our limited resources.

---

<sup>1</sup> EP Debates No. 2-315, 24.-27.7.1984, p. 123

125. The justification for this activity is that there do seem to be instances where our efforts have borne fruit - though, as stated by last year's rapporteur, Mrs van den Heuvel, it would be extremely rash for the Parliament to make excessive claims as to the role Parliament may have played.

126. To offer but one example, the case of Irina Grivnina was an instance where Parliament had been active, at various levels, and where some credit was claimed for contributing to her release. Your rapporteur believes, however, that this also must be seen as a case where freedom was achieved through the concerted effort of many organisations and individuals, among them the European Parliament.

127. Regrettably, many more examples could be adduced where Parliament's efforts, and those of other organisations and individuals, do not seem to achieve the desired result. Your rapporteur believes, however, that Parliament has a moral obligation in this area, and that any success, however modest, is ample justification for our efforts. Certainly, as far as the Community is concerned, your rapporteur believes that it is for Parliament to seek to take the lead in this area.

#### Active role

128. Above all, Parliament's role should be an activist one. Perhaps more so than many specialised NGOs, which have far greater resources to collect information and report on human rights, Parliament does have a considerable capacity to intervene. This capacity should be exploited to the maximum. If Parliament's publicly-made commitments are not translated into action, then the structures we have established within our institution might qualify for the inscription once made unflatteringly of the United Nations human rights system that it is 'one of the most elaborate wastepaper baskets ever invented'.

129. That is not, however, to devalue the importance of public utterance. Certainly the record shows that Parliaments and parliamentarians are often less afraid to express their views than are governments. We should not forget that American human rights policy was less a creation of President Carter than

of the US Congress. Parliament has a duty to speak out, and that often can be the last vital resource in human rights matters. To quote a Basque writer, at the end of the day, 'Me queda la palabra'.

OPINION

(Article 101 of the Rules of Procedure)

of the Committee on Development and Cooperation

Draftsman: Mrs M.L. CASSANMAGNAGO CERRETTI

During its meeting of 28 May 1986, the Committee on Development and Cooperation appointed Mrs Cassanmagnago Cerretti draftsman of the opinion.

At its meetings of 25 November 1986 and 16 December 1986 the committee considered the draft opinion. It adopted the draft opinion unanimously on 16 December 1986.

The following took part in the vote: Mrs Focke, Chairman; Mr Bersani, Vice-Chairman; Mrs Cassanmagnago Cerretti draftsman of the opinion; Mr Campinos, Mr Cohen, Mrs Daly, Mr Duran Corsanego, Mrs Garcia Arias, Mr Ch. Jackson, Mr Pirkl, Mrs Rabbethge, Mrs Simons, Mr Simpson, Mr Vergeer.



The Committee on Development and Cooperation,

- A. having regard to its previous opinions on human rights, and particularly its opinion adopted on 24 April 1985<sup>2</sup>,
  - B. having regard to paragraph 4 and Annex I of the Third Lomé Convention,
  - C. having regard to the declaration on human rights adopted by the EEC Council of Ministers (Foreign Affairs) on 21 July 1986,
  - D. believing that it would be inappropriate to refer to individual cases of human rights abuses in this opinion,
  - E. having regard to the report and resolution of the ACP-EEC Joint Assembly on human rights, adopted in Inverness on 26 September 1985<sup>3</sup>, which are annexed to this resolution,
  - F. having regard to the two resolutions of the ACP-EEC Joint Assembly on human rights, adopted in Vouliagmeni on 25 September 1986<sup>4</sup>, which are annexed to this opinion,
- 
- 1. Calls on the Community institutions and on the Member States meeting in Political Cooperation to use all their influence throughout the world to ensure that human rights and human dignity are respected;
  - 2. Is convinced that the Community's and more particularly the Parliament's approach to human rights violations must be empirical and flexible, determined in accordance with the gravity of the accusations and the particular circumstances of those accused, and evolutionary in nature;

---

<sup>2</sup> Draftsman: Mrs Flesch, PE 94.657/fin. Annexed to Doc. A2-121/85/I.

<sup>3</sup> Rapporteur: Mrs Flesch, Doc. ACP-EEC/0011/85, OJ No. C322 of 13.12.1985, p.44

<sup>4</sup> Doc. ACP-EEC 115/86/fin and Doc. ACP-EEC 122/86/fin.

3. Wonders what criteria were employed by the Political Affairs Committee in drawing up the list of countries in which, according to the resolution, "violations could be said to be flagrant, or which have been drawn particularly to the attention of its Human Rights Sub-committee"<sup>5</sup>
4. While recognising the universality of fundamental human rights, nevertheless warns against the danger of judging the traditional customs of non-European societies in the light of European values and prejudices in such a way that certain human rights "abuses" are seen where none are perceived by the populations concerned; stresses the vital importance of understanding the cultural and social background before assuming violation of human rights;
5. Notes that the Political Affairs Committee takes the view that interparliamentary delegations should make it a standard practice to discuss human rights issues with their counterparts from other parliaments, and warns that, in many cases, a reasoned, low-key approach, based, where possible, on personal contacts, is likely to be more effective than more spectacular and less discrete methods which can be counter-productive through inciting a hostile reaction on the part of those accused of human rights violations;
6. Insists that any action taken against a government perpetrating flagrant abuses of human rights should under no circumstances worsen the lot of the population, already suffering under an oppressive régime;
7. Recalls that the ACP-EEC Joint Assembly concerns itself actively with human rights matters, and that its bureau has been mandated to monitor human rights developments in both Europe and the ACP States and to make appropriate recommendations, in practice this means that either its Co-Presidents can take initiatives acting on behalf of the Bureau, or else the Bureau can declare resolutions regarding human rights admissible for debate in the Assembly which will itself determine the procedure to

---

<sup>5</sup> PE 107.484/res./rev.II, para. 4

follow; calls on the Political Affairs Committee to include a description of the human rights activities of the Joint Assembly in its draft resolution;

8. Points out that, while economic development does not necessarily lead to an improvement in the human rights situation, the European Community can, through its development programmes and projects, help to reduce inequality between regions and between ethnic and socio-economic groups within a state, thereby reducing tensions and contributing to an environment conducive to respect for human rights;
9. Is particularly concerned by the human rights situation of refugees; calls on the Community to support the UNHCR in its efforts to uphold the rights and improve the juridical situation of refugees, and to ensure that they are not repatriated against their will;
10. Welcomes the coming into force in October 1986 of the African Charter on Human and Peoples' Rights, and hopes that the African Commission on Human and Peoples' Rights provided for in the Charter will make a significant contribution to furthering respect for human rights in Africa; believes that if the provisions of this Charter were strictly adhered to, the human rights situation would be most satisfactory in the signatory states; asks the Political Affairs Committee when finalising its draft opinion to accord this event the importance it merits;
11. Requests the Political Affairs Committee to include in its motion for a resolution a request to those OAU Member States that have not already done so to sign and ratify the African Charter, which has to date been ratified by 30 countries;
12. Calls on the Political Affairs Committee to do all in its power to encourage full respect for human rights and human dignity in South Africa, which would involve the total abolition of apartheid and all forms of racial discrimination; stresses the importance of the amendment to Article 953 "Programme of Positive Measures regarding South Africa" voted by the European Parliament in the first reading of the 1987 Draft Budget, which would increase appropriations for this most valuable action;

13. Points out that the European Community's international position as an active advocate of human rights is weakened by abuses occurring within the Community, including, on occasions, unjust treatment of migrant workers; calls for due attention to be given to human rights in the Member States;
14. Calls for greater harmonisation of the rules governing political asylum in the Community Member States;
15. Calls on the Political Affairs Committee to take account in its report of all the points raised in this opinion;

B.

Explanatory Statement

Since the Committee on Development and Cooperation adopted its last opinion<sup>6</sup> on human rights in April 1985, to which the attention of the Political Affairs Committee is again drawn, the most significant event with regard to the advancement of human rights in developing countries has been the coming into force of the African Charter on Human and Peoples' Rights on 21 October 1986, having been ratified by 30 African countries. This Charter, adopted by the OAU Assembly of Heads of State and Government in Nairobi in 1981, states inter alia that

"every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited."<sup>7</sup>

and that

"every individual shall have the rights to liberty and to the security of his person. No one may be deprived of his freedom

---

<sup>6</sup> Draftsman: Mr C. Flesch, PE 94.657/fin. (annexed to Doc. A2-121/85/I)

<sup>7</sup> Article 5.

except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained."<sup>8</sup>.

Of particular significance is Part II of the Charter, providing for measures of safeguard, and more particularly for the establishment and organisation of an African Commission on Human and Peoples' Rights within the OAU, consisting of 11 members, serving in a personal capacity.

The functions of the Commission, laid down in Article 45, include collecting documentation, carrying out studies, organizing of conferences, etc., formulating principles and rules aimed at solving legal problems relating to human and peoples' rights upon which governments can base legislation, cooperating with other institutions concerned with the promotion and protection of human and peoples' rights, ensuring that the charter is respected, interpreting the provisions of the Charter and performing any other tasks that may be entrusted to it by the OAU.

The Commission has powers to request information from states accused of human rights violations, and to carry out investigations. As well as communications containing accusations of human rights violations received from signatory states, the Commission is empowered to consider communications from individuals or other bodies. The Commission, after deliberating, can draw the attention of the OAU Assembly of Heads of States and Government to serious or massive violations. The latter may then request the Commission to undertake an in-depth study and draw up a factual report, accompanied by recommendations.

The coming into force of the charter represents a major step forward which should be reflected in the resolution of the Political Affairs Committee. The Charter's potential is considerable. Its effectiveness as an instrument can only be judged in the light of experience.

On 21 July 1986 the EEC Council of Ministers - Foreign Affairs - adopted a significant declaration on human rights, which sought "universal observance of human rights", and called for ratification of the major United Nations

---

<sup>8</sup> Article 6.

instruments in the field of human rights as soon as possible. The declaration also stated that the twelve would "continue action within the framework of European Political Cooperation against violations in any part of the world". This declaration is welcomed, but the Committee awaits evidence of its implementation before judging its utility.

At the institutional level, the ACP-EEC Joint Assembly meeting in Inverness (Scotland) on 26 September 1985 adopted the resolution<sup>9</sup> on human rights drawn up by Mrs Flesch, rapporteur for the Human Rights working group, which had already been adopted by the Joint Committee meeting in Bujumbura in January of that year. This resolution is significant in that it reinforces the principle, acknowledged implicitly by the Joint Declaration on Article 4 annexed to the Third Lomé Convention, that human rights constitutes a legitimate element in the ACP-EEC relationship. Pursuant to this resolution, the Bureau of the ACP-EEC Joint Assembly is now mandated to "monitor human rights developments both in Europe and the ACP States, make appropriate recommendations and, when necessary, call for the convening of a working party". In practice this mandate can be exercised through two different procedures. Either the Bureau can authorise its Co-Presidents, on its behalf, to take the initiatives they judge most appropriate, normally in the form of discrete contacts with the parties concerned, or else it can declare a specific resolution on human rights admissible for debate in the Assembly. In this case a public debate will follow, and the Assembly will decide on any possible further action.

At its meeting in Vouliagmeni (Greece) on 25 September 1986 the Joint Assembly adopted two opinions on human rights. One welcomed the entry into force of the African Charter and called on the institutions set up under Lomé III and those of the European Community to intensify cooperation in the field of human rights, in particular with the organs provided for in the African Charter. The other appealed for the release of all persons imprisoned without charge and requested all authorities concerned to consider granting an amnesty to those deprived of freedom because of their convictions. Thus human rights considerations figure prominently in the ACP-EEC relationship, a fact that should be emphasised in the resolution of the Political Affairs Committee.

---

<sup>9</sup> OJ No. C322 of 13.12.1985, p.44

The Political Affairs Committee takes the point of view that interparliamentary delegations should be, as a matter of course, briefed on human rights matters before meeting with other parliament's delegations, and that delegations should make it a standard practice to discuss human rights at interparliamentary delegation meetings. While the ACP-EEC Joint Assembly is in no way comparable to an interparliamentary delegation, being an institution in its own right emanating from the Lomé Convention, it nevertheless plays a valuable role in the encouragement of respect for human rights. It is the conviction of the Committee on Development and Cooperation that its reasoned, low-key approach, based to a great extent on personal contact and mutual respect, is often far more effective than more spectacular approaches, with concomitant publicity, which can appear to verge on encroachment on national sovereignty and be counterproductive due to the reaction of the accused government.

Naturally the approach adopted must bear a relationship to the seriousness of the accusations, and in extreme cases more public pressures may be necessary, but this committee maintains most strongly that any actions taken against a government perpetrating flagrant abuses of human rights should under no circumstances worsen the lot of the population, already suffering under an oppressive régime.

The Committee would also remind the Political Affairs Committee that accusations regarding abuses against human rights and human dignity have on occasions been levelled against the Community Member States, and that the Joint Assembly Bureau is open to such accusations. The position of migrant workers in Europe is frequently unsatisfactory, though here popular prejudice is often more to blame than governmental action. Much remains to be done in this field. The question of right of asylum should also be considered. In this matter there is need for a much greater degree of harmonisation between the criteria used by the different Member States. The Political Affairs Committee is requested to give due attention to such matters in its report.

Up to now this opinion has looked mainly at the ACP-EEC relationship. With regard to South Mediterranean, Latin American and Asian countries, the situation is different. Here interparliamentary delegations can fulfil a function, but this should be, once more, proportional to the scope and nature of the accusations, and, in general, discrete in approach.

The Committee's previous opinion on human rights adopted in April 1985 contained a philosophical analysis of the nature of human rights, making it clear that more prosperous societies are not necessarily more respectful of human dignity, and also considering the meaning of the frequently ambiguous term "right to development". Assistance with economic development will not automatically result in an improvement in the human rights situation, yet programmes and projects that lead to a reduction in inequality, between States, between regions within states, and between ethnic, social and socio-economic groups, reduce possible sources of tension, and abuses of human rights very often are a consequence of the insecurity resulting from such tensions. A regime that is secure in its authority is more likely to respect human dignity and uphold the rule of law than is one under threat of disaffection or insurrection. Thus well-designed development assistance programmes can, indirectly, help to create an environment conducive to respect for human rights. Particularly important in this respect is assistance to refugees, both to guarantee their legal status and to protect them from exploitation, victimisation, and/or repatriation without their consent.

The Committee on Development and Cooperation, and the Joint Assembly, have been particularly active with regard to South Africa, where the policy of apartheid represents a formal institutionalisation of racial discrimination and abuse of human dignity. In this respect your rapporteur would draw the attention of the Political Affairs Committee to Community assistance programmes and projects in favour of SADCC, and particularly to Article 953 of the European Community Budget "Programme of positive measures regarding South Africa". The amendment adopted by the European Parliament in its first reading of the 1987 draft budget would bring appropriations entered against this line to 20 mECU in commitments and 15 mECU in payments. The sums are relatively modest, yet useful work has been carried out already under the programme. Here a more visible approach, in concert with other powers, is



attempting to put pressure on the South African Government, with disappointing results so far. One of the key questions is how to induce or compel a government, against its will, to put an end to human rights abuses.

In its draft opinion the Political Affairs Committee has included a list of 48 countries that are among those countries where violations could be said to be flagrant, or which have been drawn particularly to the attention of its Human Rights Sub-Committee<sup>10</sup>. The Committee on Development and Cooperation would like to know what criteria were employed in drawing up this list, as objectivity in this sector is not easy to achieve, and arbitrary or subjective yardsticks would be politically dangerous and morally deplorable.

In conclusion, the Committee stresses that, while there is general broad acceptance of what constitutes human dignity and human rights, cultural, historical and religious factors affect concepts of rights. Full account must be taken of these historical and cultural factors before concluding that human rights are being abused. So often European or other western observers, applying their own geocultural premises, see abuses where none are perceived by the populations in question. This is not to deny, however, the prevalence of real abuses in a many parts of the world, including in many Third World countries. The European Community, including the European Parliament, has a most valuable role to play, but it must be played with understanding and sensitivity. The abuses are easy to identify. Their ultimate prevention can only be achieved by bringing about a more favourable environment and by changing the attitudes of their perpetrators. Example and encouragement can often be as effective in the long-term as threats and punitive sanctions.

---

<sup>10</sup> PE 107.484/res./rev.II, para. 4

DECLARATION ON HUMAN RIGHTS

adopted by the Foreign Ministers of the Twelve meeting in the context of European Political Cooperation on 21 July 1986

THE FOREIGN MINISTERS OF THE EUROPEAN COMMUNITY, MEETING IN THE FRAMEWORK OF EUROPEAN POLITICAL COOPERATION AND OF THE COUNCIL, HAVE REVIEWED THE PRINCIPLES OF THE HUMAN RIGHTS POLICY OF THE EUROPEAN COMMUNITY AND ITS MEMBER STATES. THEY REAFFIRM THAT RESPECT FOR HUMAN RIGHTS IS ONE OF THE CORNERSTONES OF EUROPEAN COOPERATION. THEY FURTHER REAFFIRM THEIR COMMITMENT TO PROMOTE AND PROTECT HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND EMPHASISE THE IMPORTANCE IN THIS CONTEXT OF THE PRINCIPLES OF PARLIAMENTARY DEMOCRACY AND THE RULE OF LAW.

THE TWELVE SEEK UNIVERSAL OBSERVANCE OF HUMAN RIGHTS. THE PROTECTION OF HUMAN RIGHTS IS THE LEGITIMATE AND CONTINUOUS DUTY OF THE WORLD COMMUNITY AND OF NATIONS INDIVIDUALLY. EXPRESSIONS OF CONCERN AT VIOLATIONS OF SUCH RIGHTS CANNOT BE CONSIDERED INTERFERENCE IN THE DOMESTIC AFFAIRS OF A STATE. THE MAJOR UNITED NATIONS INSTRUMENTS IN THE FIELD OF HUMAN RIGHTS SHOULD BE UNIVERSALLY RATIFIED AS SOON AS POSSIBLE. STATES SHOULD COOPERATE WITH INTERGOVERNMENTAL ORGANISATIONS WHICH MONITOR IMPLEMENTATION OF HUMAN RIGHTS AND OF WHICH THEY ARE A MEMBER. RESPECT FOR HUMAN RIGHTS IS AN IMPORTANT ELEMENT IN RELATIONS BETWEEN THIRD

COUNTRIES AND THE EUROPE OF THE TWELVE.

THE WORLDWIDE HUMAN RIGHTS SITUATION REMAINS ALARMING, IN PARTICULAR PERSISTENT VIOLATIONS OF INDIVIDUAL LIBERTIES AS WELL AS TYRANNY, OPPRESSION AND INDISCRIMINATE VIOLENCE IN MANY COUNTRIES. CONCERN FOR VIOLATION OF HUMAN RIGHTS FORMS AN IMPORTANT FOCUS OF ATTENTION FOR THE TWELVE, A CONCERN MINISTERS SHARE WITH THE EUROPEAN PARLIAMENT. IN RECENT YEARS THE EUROPEAN PARTNERS HAVE DELIVERED VARIOUS DECLARATIONS ON BEHALF OF FOREIGN MINISTERS AND MADE REPRESENTATIONS ON NUMEROUS OCCASIONS WITH MANY GOVERNMENTS, ATTEMPTING TO AMELIORATE THE HUMAN RIGHTS SITUATION IN THE COUNTRIES CONCERNED AND TO COUNTER CASES OF SPECIFIC HUMAN RIGHTS ABUSE. JOINT STATEMENTS IN INTERNATIONAL FORA ON HUMAN RIGHTS ISSUES HAVE BECOME STANDARD PRACTICE FOR THE TWELVE, AS HAVE FREQUENT DISCUSSIONS ON ALL CONSULTATIVE LEVELS EXISTING AMONG THEM. THE TWELVE WILL CONTINUE ACTION WITHIN THE FRAMEWORK OF EUROPEAN POLITICAL COOPERATION AGAINST VIOLATIONS IN ANY PART OF THE WORLD.

INDIVIDUALS AND NON-GOVERNMENTAL ORGANISATIONS THE WORLD OVER HAVE MADE VALUABLE AND COURAGEOUS CONTRIBUTIONS TO THE PROTECTION AND PROMOTION OF HUMAN RIGHTS. THE TWELVE APPEAL TO ALL STATES TO ENHANCE PUBLIC AWARENESS CONCERNING THE CAUSE OF HUMAN RIGHTS THROUGH EDUCATIONAL PROGRAMMES AND BY ALLOWING NON-GOVERNMENTAL ORGANISATIONS FREELY TO DISSEMINATE HUMAN RIGHTS INFORMATION.

THE TWELVE DEPLORE THE FACT THAT COUNTLESS PEOPLE AROUND THE WORLD SUFFER HUNGER, DISEASE AND LACK OF OPPORTUNITY, THUS BEING DENIED THE ENJOYMENT OF THE MOST BASIC ECONOMIC AND SOCIAL RIGHTS. THE PROMOTION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS AS WELL AS OF CIVIL AND POLITICAL RIGHTS IS OF PARAMOUNT IMPORTANCE FOR THE FULL REALISATION OF HUMAN DIGNITY AND FOR THE ATTAINMENT OF LEGITIMATE ASPIRATIONS OF EVERY INDIVIDUAL. NEITHER LACK OF SOCIAL AND ECONOMIC DEVELOPMENT, NOR ANY PERSUASION OR IDEOLOGY MAY SERVE AS A JUSTIFICATION FOR THE DENIAL OF CIVIL AND POLITICAL RIGHTS. THE FOREIGN MINISTERS AFFIRM THAT IN THE

DEVELOPMENT OF THEIR RELATIONS WITH NON MEMBER STATES AS WELL AS  
IN THE ADMINISTRATION OF AID THE EUROPEAN COMMUNITY AND ITS  
MEMBER STATES WILL CONTINUE TO PROMOTE FUNDAMENTAL RIGHTS SO THAT  
INDIVIDUALS AND PEOPLES WILL ACTUALLY ENJOY TO THE FULL THEIR  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND THEIR CIVIL AND  
POLITICAL RIGHTS.

LASTING PEACE AND SECURITY ARE UNATTAINABLE WITHOUT UNIVERSAL  
ENJOYMENT OF HUMAN RIGHTS. IN VIEW OF THEIR SPECIAL  
RESPONSIBILITY AS EUROPEANS, THE TWELVE EMPHASISE THAT RESPECT  
FOR HUMAN RIGHTS BY ALL STATES PARTICIPATING IN THE CONFERENCE ON  
SECURITY AND CO-OPERATION IN EUROPE IS AN ESSENTIAL FACTOR IN  
ACHIEVING PEACE AND SECURITY, JUSTICE AND WELL-BEING IN EUROPE.

- secretariat -

RLB/mh

PETITIONS ON HUMAN RIGHTS IN THIRD COUNTRIES

examined by the Committee on the Rules of  
Procedure and Petitions during 1985<sup>1</sup>

1. Petitions declared inadmissible as not falling within the sphere of activities of the European Communities (Rule 108 of the Rules of Procedure)

Number	Name and nationality of petitioner	Title	Summary	Remarks
92/85	Dietmar HASSE German	Violation of human rights and international treaties by Switzerland	A former tax officer in the German civil service was employed as deputy accounts manager for a Swiss shipping company. In this position he learned that the company had evaded the payment of tax in Germany. He was forced to resign and asked Parliament to intervene.	Declared inadmissible 16-17.9.85

<sup>1</sup> See the committee's semi-annual reports to Parliament on petitions (PE 98.581/fin, PE 102.351/fin)

2. Petitions declared admissible

Number	Name and nationality of petitioner	Title	Summary	Remarks
148/84	William HARDING British	Imprisoning of Jehovah's witnesses in Turkey	Parliament was urged to press the Turkish government to refrain from persecuting Jehovah's witnesses	Declared admissible 30-31.1.85 Sent 2 resolutions on Turkey of 24.5.84 with explanation of current state of relations with Turkey. Consideration thus closed.
113/84	Sudbury Group of Amnesty International	Release of James A.A. Otto	Parliament was urged to press for the release of James Otto who had been detained without trial since his arrest in Kampala on 2.7.83.	Declared admissible 18-19.12.84. The Political Affairs Committee was asked for an opinion. Parliament's Human Rights Unit undertook a detailed study of Mr Otto's case, which was in addition referred to the ACP-EEC Joint Assembly. In the meantime, the petitioner indicated in August 1985 that Mr Otto had been released following the coup d'état in Uganda. Consideration thus closed.
23/85	CSEMR (Italian association) Prof. Codevilla 8,000 signatures	Support for emigration from the USSR for religious reasons	Parliament was asked to support an initiative addressed to the Politburo calling for the release of Russian citizens held in prison or psychiatric clinics because of their religious beliefs	Declared admissible 13-14 May 1985. Sent van den Heuvel report on human rights in the world. The Political Affairs Committee was asked to raise the matter through its delegation that would be meeting the Soviet authorities in the context of the Ottawa conference. Consideration thus closed.

Number	Name and nationality of petitioner	Title	Summary	Remarks
83/85	Heinrich BRECHTMANN German	Freedom for Cuban - Roberto Martin Perez RODRIGUEZ	A member of the International Society for Human Rights pleads on behalf of a Cuban political prisoner being kept in inhuman conditions in Cuba	Declared admissible 16-17.9.85. President Pflimlin was asked to request information from the Latin American parliament. No reply yet received.
159/85	Christlicher Dienst für die Befreiung der Völker	Release of political prisoners in Poland	All governments of the free world are asked to protest against the situation in Poland. The petitioners propose the creation of a statute for political prisoners.	Declared admissible 16-17.12.85. Sent van den Heuvel report (Doc A2-121/85) on human rights in the world. Petition referred to Political Affairs Committee for information. Consideration thus closed.

LEGAL SERVICE

Human Rights Unit  
EB/mfl

Luxembourg, 2 July 1986.

PARLIAMENTARY QUESTIONS

Period covered (based on date of referral)  
1.7.1984 - 1.7.1986

	to the Commission	to the Council	to the Foreign Ministers (EPC)	TOTAL
Written questions	41	20	74	135
Questions for Question Time	12	10	51	73
Questions with debate	0	0	11	11
Questions without debate	0	1	3	4



LEGAL SERVICE

Human Rights Unit  
EB/mfl

Luxembourg, 2 July 1986

MOTIONS FOR RESOLUTIONS (RULES 47 and 48)  
AND WRITTEN DECLARATIONS (RULE 49)

Period covered (date of referral) :  
1.7.1984 - 1.7.1986

	tabled	of which	
		adopted	not adopted
Rule 47 .....	332	0(1)	0(1)
Rule 48 .....	240	89	151
Rule 49 .....	39	5	34

(1) Referral to appropriate committee(s), see Rule 47.

LEGAL SERVICE  
Human Rights Unit  
EB/mfl

Luxembourg, 2 July 1986

MIGRATION OF SOVIET JEWS

Programme of the Intergovernmental Committee for Migration  
(ICM), Geneva

1. MIGRATORY MOVEMENTS IN 1985

	<u>Arrivals in Vienna</u>	<u>Departures to Israel</u>	<u>Departures to other countries</u>
January	61	26	35
February	88	32	55
March	98	28	70
April	166	66	100
May	51	7	44
June	36	12	24
July	174	55	119
August	29	13	16
September	93	34	59
October	124	40	84
November	128	31	97
December	<u>92</u>	<u>18</u>	<u>74</u>
Totals 1985	1 140	363	777

2. MIGRATORY MOVEMENTS IN 1986

January	79	19	60
February	84	20	64
March	47	6	41
April	47	16	56
May	72	19	60
June (prov.)	79	<u>6</u>	<u>36</u>
Totals Jan-June 1986	<u>42</u>	86	317
	403		

3. MIGRATORY MOVEMENTS SINCE 1980

1980	21 470	7 220	14 250
1981	9 560	1 790	7 770
1982	2 700	750	1 950
1983	1 314	350	964
1984	904	344	560
1985	1 140	363	777

4. EMIGRATION OF SOVIET JEWS SINCE THE START OF THE PROGRAMME (1971)

253 301

Source: ICM, Geneva, 2 July 1986

~~presented to the European Parliament and to its Political Affairs  
Committee by the President-in-office, Mr van den BROEK, on  
27 May 1986~~

**on action taken in the framework of  
European Political Cooperation  
in the field of human rights**

Concern for human rights forms an important focus of attention within European Political Cooperation. The different branches of EPC are regularly involved in particular with the issue of human rights violations. This report is intended to provide the European Parliament with a clearer idea of these matters and concentrates on the period since 1 January 1981 when the previous Netherlands Presidency began.

European Political Cooperation occurs at different levels and in different spheres, in European capitals and between or via the embassies in third countries. Consultation also occurs in the margin of international conferences or meetings of international organisations. Contacts are also maintained via the "Correspondance européenne", the telecommunications network which links the capitals of the Twelve and the Commission in Brussels.

This report sets out to provide a review of developments at these different levels and sectors with regard to the positions adopted and action taken in the area of human rights.

First and foremost it should be noted that in its efforts in this field the EPC knows that it is supported by considerable efforts on the part of Parliament itself. In the period under review no less than 667 questions were tabled (304 of them written questions) on human rights issues. The answers to these questions are prepared in the EPC. In addition the number of resolutions is steadily increasing. The views of the European Parliament embodied in these resolutions are increasingly referred to when preparing the positions which the Twelve try to adopt jointly. It is perhaps significant that the chairman of EPC working groups have adopted the practice of drawing the attention of the meeting to parliamentary resolutions

which are relevant to the topic under discussion, partly with a view to examining the extent to which it is possible to accommodate requests made in the resolution.

### **Capitals of the Twelve**

The highest administrative body of the EPC is the Political Committee (the Comité Politique or CoPo), which consists of the Directors-General of Political Affairs of the twelve Ministries of Foreign Affairs and a representative of the Commission. It meets for routine consultation once a month.

Answerable to the CoPo are a number of working groups which meet on average two or three times every six months in the capital of the current Presidency. Human rights issues are mostly discussed in the United Nations working group and the CSCE working group (full title "CSCE/CDE and other aspects of the Final Act of Helsinki"), and also in the regional working groups on Asia, Africa, the Middle East, Latin America and Eastern Europe.

Human rights issues regularly feature on the agenda of the regional working groups, for example as part of a general discussion of the political situation in a country or because a serious deterioration in the human rights situation warrants discussion of this issue in its own right. On occasion working groups will consider particularly striking cases of individual human rights violations, such as that of Andrei Sacharow. It is hard to say how many times human rights issues have been discussed since the beginning of 1981. Recurrent topics were, for example, trade union rights and other human rights issues in Poland (Eastern Europe working group); the human rights situation in Chile and Central America (Latin America working group); the position of the Bahais in Iran (Middle East working group); the policies of apartheid in South Africa (Africa working group) and human rights in the Afghanistan and Vietnam (Asia working group). Discussion of these issues may serve a number of purposes: exchange

of information (not all partners for example have diplomatic representation in the countries in question), harmonisation of policies, preparation of common declarations by ministerial meetings or the European Council, eliciting a joint report or prompting a common démarche. As a rule the working group submits a recommendation for a démarche to the CoPo which then reaches a decision or refers the matter to the Ministers for Foreign Affairs meeting in European Political Cooperation

In the UN and CSCE/CDE working groups the question of démarches seldom arises. The UN working group is primarily concerned with harmonising positions in UN bodies such as the Human Rights Commission and the General Assembly, exchanging views on problems that arise. In the CSCE working group joint preparation of policy documents occurs before and during every CSCE meeting. In the context of the CSCE human rights are so closely bound up with the whole problem that they can be regarded as integral to the ongoing discussions in this area. Discussion of human rights issues is also a significant and constant part of the work of the United Nations working group.

The chairman of each working group submits a report to the CoPo. In the period since 1981 there were discussions on human rights in the CoPo on more than 75 occasions and this figure does not take account of the fact that on numerous occasions participants take advantage of the opportunities outside the formal agenda of the meeting for discussions on matters such as this. In the Political Committee the lunch has traditionally been an occasion for informal consultations.

Human rights issues have been discussed on some 40 occasions in the course of meetings of the European Council, Ministerial meetings and the "Gymnich" talks among the Ministers for Foreign Affairs. On about 20 occasions declarations by the Ten and later the Twelve on South and Southern Africa, the most recent of which was issued on 25 February 1986. Another example that might be mentioned are the declaration of the 27 December 1983 on violations of human rights in

Afghanistan, and the declaration of 23 July 1984 on Poland. In a declaration on East-West relations on 27 March 1984 the Ten called on the Soviet Union to respect all aspects of human rights and to comply with the Final Act of Helsinki.

### **Non-EPC capitals**

Joint action by the Twelve in third countries in the field of human rights has, over the years, become standard practice. The role of the diplomatic missions of the member states in this respect is essentially twofold: it involves on the one hand a reporting function and on the other maintaining contacts with the authorities of the country in question and/or the implementation of démarches.

In a number of capitals joint reporting by the partners has been a regular occurrence for many years. Some of the Presidency's embassies present annual confidential reports in the human rights situation in the country concerned, which are drawn up jointly by the EC embassies. In other cases missions of the Twelve in a particular capital are instructed to produce an ad hoc report on human rights.

It is more difficult to describe démarches, given that many of them rely precisely on confidentiality in order to be effective. In some confidentiality applies not only to the content of the démarche but also to the very fact that the démarche took place. In some instances publicity has indeed been given to the démarche as such or even its contents.

It is clear from the figures that the EPC partners have not hesitated to use this instrument to a considerable extent: since 1981 between 90 and 100 démarches were made in the name of the Ten. Twenty-six of these related to Latin-America, 15 to Europe, 35 to countries in Africa and the Middle East plus 13 to South Africa and 7 to Asian states. Some of these démarches related to purely humanitarian cases, for example requests for clemency for people

sentenced to death. Approximately 40 démarches fell into this category. In other cases démarches relate to general aspects of the human rights situation. On some occasions the text of a European Parliament resolution on the subject concerned is handed over.

### **Multilateral forums**

As has already been observed, EPC consultations in the margin of international conferences and meetings of international organisations have been customary for many years. Three forums are of relevance here: the Conference on Security and Cooperation in Europe, the United Nations and the Council of Europe.

Since 1981 three important meetings took place within the framework of the CSCE, namely:

- the CSCE follow-up meeting in Madrid (November 1980 - September 1983, with a break of eight months);
- the CSCE expert meeting on human rights in Ottawa (May - June 1985; preparatory meeting April - May 1985);
- the CSCE Cultural Forum in Budapest (October - November 1985).

There was also a meeting at ministerial level in Helsinki from 30 July to 1 August 1985 to commemorate the signature of the Final Act there ten years before. Human rights played an essential part at all the above meetings and will do so for the meetings scheduled for 1986, i.e. the present expert meeting on human rights contacts in Bern and the third CSCE follow-up meeting in Vienna (starting 4 November, preparatory meeting September - October).

During CSCE meetings, the EPC delegations generally meet once each day for joint consultation, and more frequently if necessary. Joint statements are often made.

At the United Nations, the three most important forums from the point of view of European Political Cooperation are the General Assembly, the Economic and Social Council and the Human Rights Commission.

Interventions on behalf of the EC countries during the general debate at the General Assembly are profoundly discussed in EPC. These statements invariably include a passage on human rights.

As well as the Third Committee (Social, Humanitarian and Cultural Affairs), human rights issues are also raised at Plenary Sessions of the General Assembly and at meetings of its Special Political Committee and the Fourth Committee. Human Rights were explicitly mentioned six or seven times per year in statements on behalf of the Ten in the latter forums. In particular, they were mentioned during the general debate and under such agenda items as "The action programme for the Second Decade to Eliminate Racism and Apartheid", "The situation in Central America", "Apartheid", "Prevention of new flows of refugees", "Information" and "Israeli practices with regard to human rights in the occupied territories". In his address on behalf of the Ten plus Spain and Portugal on 23 October 1985 to mark the 40th anniversary of the establishment of the United Nations, Luxembourg's Minister for Foreign Affairs devoted attention to the subject of human rights.

At the Third Committee, where human rights issues are primarily discussed, an average of three declarations are issued on behalf of the EPC partners during each General Assembly, as are a similar number of explanations of vote.

EPC consultations take place very frequently during sessions of the General Assembly and are held per committee. Consultations in the margin of the Third Committee are sometimes even held daily. In addition to human rights situations in individual countries, thematic issues are also an important focus of coordination by the Twelve. These issues include torture, disappearances, summary and arbitrary



executions, religious intolerance, questions about economic and social rights and in general the promotion of respect for human rights through the establishment of mechanisms and the implementation of existing international instruments.

The work-load of the Economic and Social Council is somewhat lesser than that of the General Assembly, which is reflected in a lesser frequency of EPC meetings. EPC consultations in the margin of the Council's Social Committee, which meets in New York in the spring, take place a few times. One or two joint statements are made.

EPC coordination in the margin of the Human Rights Commission is limited because not all of the Twelve are members of that body and there is an established pattern of WEOG consultations there. As a rule, statements on behalf of the Twelve are not made in that forum.

Although EPC consultation takes place regularly in the context of the Council of Europe, human rights issues are only occasionally raised there, since in the vast majority of cases they relate to individual complaints by nationals of member of states on the basis of the European Convention for the Protection of Human Rights and Fundamental Freedoms. These, by their nature, are not suitable for discussion in EPC. The complaint lodged against Turkey by five states has never been discussed in EPC.

Declarations to be issued by the Committee of Ministers in which human rights play a part are occasionally discussed in EPC, as for example was the declaration of September 1985 on South Africa.

In Unesco and ILO consultations in the framework of EPC in relation to human rights issues take place from time to time.

Summary of the human rights activities of delegations (1985-1986)  
compiled by Parliament's Interparliamentary Delegations Secretariat

In the documents they draw up and the work they do, the interparliamentary delegations clearly take account of the European Parliament's stance on the protection of human rights throughout the world.

The members of the delegations are aware of violations of individual and collective human rights and are often ready to intervene wherever they can, either on an individual basis, at political group level or when they vote in Parliament. The following reports show that 11 delegations out of 21 have tackled some kind of human rights issue in their work. It is obvious that no two situations and no two partner States are alike and that in this area, every country or group of countries with which the European Parliament maintains relations has its own traditions and culture as regards human rights. It is, therefore, difficult to generalize about the rules or the procedures to be followed. Each delegation finds itself in a unique situation when dealing with its partner State or States, and any decisions on the inclusion of human rights issues in its work must be determined by actual cultural, political and inter-parliamentary conditions.

For the sake of clarity, it should be noted that Parliament has entrusted the permanent delegations for relations with third countries with the task of securing an exchange of information and maintaining inter-parliamentary dialogue and of supporting and monitoring European Community foreign policies. The delegations as a whole interpret this mandate as a duty to create the best possible relations of mutual trust in order to help settle economic, political or other disputes. Wherever possible, the delegations raise serious questions on human rights which, given their more general mandate, can only constitute one aspect of their work; it is an aspect where serious consideration and tangible results clearly depend on the good will of the other party.

Théo JUNKER  
Head of Division

## YUGOSLAVIA

At its meeting of 21 March 1985, which was attended by the Yugoslav Ambassador, Mr Bora RAFAJLOVSKI, the delegation brought up the case of a Dutch citizen tried by a military tribunal for having photographed the installations at the military airport in Belgrade. The Ambassador was asked to attend the trial as an observer. At the same meeting, Mrs SEIBEL-EMMERLING proposed that all the European Parliament resolutions on human rights in Yugoslavia be sent directly to the Yugoslav Ambassador to the EC so that he could discuss them with the delegation.

In his letter of 10 April 1985 to Mrs SEIBEL-EMMERLING, Mr Gojko SEKULOVSKI, chairman of the Foreign Affairs Committee in the Skupstina (Federal Assembly), deplored the fact that the resolution adopted by the European Parliament on 14 February 1985 (Doc. 2-1604/84 - OJ No. C 72, 18.3.1985) on the case of the Dutch national W.M. ANDRIESE took no account of the satisfactory settlement of the incident by the Dutch and Yugoslav Governments. Any misunderstanding was subsequently cleared up by an exchange of letters and by personal meetings between the chairmen of the two interparliamentary delegations.

In May 1985, the chairman of the European Parliament's Political Affairs Committee wrote to the delegation asking it to discuss with the Yugoslav authorities, albeit discreetly, certain cases described in Docs. 2-1035/84, 2-1120/84, 2-1258/84 and 2-1058/84.

'Minorities in Yugoslavia and the European Community - human rights' came under 'Any other business' on the agenda of the sixth interparliamentary meeting (Belgrade, 16-19 September 1985). At that meeting, the Yugoslav members confirmed that the political trials then in progress in their country were mostly concerned with separatist activities (Croatia, Albanians in Kosovo) incompatible with the system of wide-ranging autonomy in the various republics and provinces which make up the Federal Republic. There still seem to be some religious problems, but freedom of religion is recognized in Yugoslavia, and Islam is even spreading significantly in Macedonia.

The delegation met on 22 May 1986 and were able to discuss with the Yugoslav Ambassador the issue of human rights. Mrs SEIBEL-EMMERLING passed to the Ambassador, Mr Josef KOROSEK, a dossier that she had received from Amnesty International and reminded him of the motions for resolution tabled by Mrs van den Heuvel on the situation of the Albanians in Kosovo (B 2-96/85) and freedom of expression in Yugoslavia (B 2-763/85). The Ambassador did say that he would follow these cases up and report back to the delegation at a future meeting.

#### CYPRUS delegation

No specific reference was made to human rights. However, during his visit to Cyprus in May 1985, the chairman of the delegation, Sir James Scott-Hopkins, did raise the question of the fate of approximately 1 600 Greek Cypriots who were arrested or imprisoned by the invading Turkish forces in July and August 1974 and had subsequently disappeared, and of a further 200 - 300 Turkish Cypriots who remain unaccounted for following their disappearance in the period 1960-63. While not strictly a human rights issue, Parliament did adopt a resolution on this matter on 11 January 1983 on the basis of a report drawn up by Lady Elles. In that resolution, Parliament decided 'to monitor the progress made on this item'. While the Turkish Cypriot authorities have now legally recognized their missing persons as dead, the Greek Cypriots continue to regard those who disappeared as missing. However, as a result of Sir James' conversations, in particular with the Pan-Cyprian Committee on Missing Persons, it appeared that no progress had been made in locating any of the missing persons concerned.

Sir James also met representatives of the Pan-Cypriot Refugee Committee, the Greek Cypriot body which represents the 200 000 Greek Cypriots who were made homeless following the Turkish invasion of 1974. The Greek Cypriot authorities regard the refusal of the Turkish Cypriots to allow refugees to return to their homes as a violation of their right of free movement and of their right to return to their own properties.

#### MAGHREB delegation

At the second meeting between the delegations from the European Parliament and the Moroccan Chamber of representatives held in September 1985 in Strasbourg, the members of the European Parliament delegation - further to a letter from the chairman of the Subcommittee on Human Rights dated 29 August 1985 - decided that the human rights situation in Morocco could be the subject of an exchange of views under 'Any other business' on the agenda of the second meeting.

During the working sessions, it was discovered that document PE 100.187, drawn up by the Human Rights Unit of the Directorate-General for Research and Documentation on the human rights situation in Morocco and intended for use only by the members of the European Parliament delegation, was freely available in the conference room. The Moroccan delegation promptly obtained copies, and the discussion of the human rights situation in Morocco consisted of an examination of the facts set out in that document.

The chairman, Mr Denis BAUCOUIN, and the members of the European Parliament delegation pointed out that the information document from the Directorate-General for Research and Documentation was in no way an official Parliament

document and that certain sources therefore had to be checked. Following strong protests from the Moroccan delegation at a number of facts in the document, the Parliament delegation suggested that the Moroccan delegation should draw up a document setting out its own position. After the meeting, this request was repeated to the Moroccan Ambassador to the European Communities. As yet, the Moroccan authorities have sent no document refuting the substance of PE 100.187.

At the third interparliamentary meeting between the European Parliament and the Moroccan Chamber of Representatives in April 1986 in Rabat, the subject of human rights was entered on the agenda and discussed during the subsequent talks between the Parliament delegation and representatives of the various Moroccan political groups.

According to Mr ZIANE (chairman of the Chamber's Justice Committee and member of the Union Constitutionnelle), the annual report by the American Senate stated that there were no political prisoners in Morocco, only prisoners of conscience. Most cases involved common law and the motive (political or ideological) might constitute extenuating or aggravating circumstances.

The various speakers from the delegation admitted that Morocco was in the process of 'proving itself' and that the human rights situation in Morocco was often misunderstood in Europe: there were problems, the Moroccan speakers did not deny this, but an effort was being made to solve them. The Moroccans did not regard the subject of human rights as taboo. They were prepared to talk about it; moreover, there were two human rights associations in Morocco.

One of the members of the delegation, Mr ROELANTS du VIVIÉR, pointed out during the talks that he had personally sent to the President of the Chamber of Representatives, Mr OSMAN, a list of a number of Moroccan political prisoners, and he was astonished that he had received no reply.

#### ISRAEL delegation

Members of the delegation received material on human rights cases and issues particularly concerning the West Bank. These issues were raised in the delegation's meeting in December 1985.

#### UNITED STATES delegation

Human rights within the CSCE process were discussed at the 27th interparliamentary meeting of the delegations held in the United States (June 1986). Differences of opinion between the EC Member States on the one hand and the United States on the other at recent review conferences (Bucharest and Berne, most recently) were analysed both with US State Department representatives and with Congressional colleagues.

The two delegations discussed apartheid in South Africa, including the human rights aspects, in recent meetings in Dublin (January 1986) and in Santa Fe (June 1986), and the issue was taken up in Washington DC, with the Assistant Secretary for African Affairs, Mr Chester CROCKER.

Claims and counterclaims about human rights violations concerning the Hopis and the Navajos in the United States have been heard in the European Parliament and were raised informally during the EP delegation's visit to the United States in June 1986.

#### LATIN AMERICA (Central and South America)

The issue of human rights and constitutional freedom has been raised many times during exchanges of views on current Latin American politics undertaken during preparatory meetings held by the delegations for relations with Central and South America. However, no specific case was brought to the attention of the Latin American parliamentarians in any of the meetings with members of the two delegations during the period under review.

The Final Act of the Seventh EC-Latin America Interparliamentary Conference (PE 99.224), drawn up in Brasilia in June 1985, devotes two chapters to democratization and human rights. Thus the conference: 'speaks out against the dictatorial or authoritarian regimes still existing in Latin America and calls for people everywhere to have the right to decide their own political destiny in free elections, without excluding any party' (...); 'welcomes the fact that wherever democratic processes based on the rule of law have been successful, there have been considerable improvements in the human rights situation' (...); 'expresses its concern at the fact that many people both in Central America and in South America are still falling victim to terror, violence, state tyranny and conflicts of a civil war character' and 'condemns the continuing disappearances', as well as the practice of expelling citizens from their own country and refusing them permission to return.

In connection with meetings with Latin American missions to the EC, the following facts should be noted:

The visit by Mr Ligios to La Paz for the fifth term of ordinary sessions of the Andean Parliament provided the opportunity for meetings with certain Members of the Andean Parliament following informal discussions at the Seventh Interparliamentary Conference on specific cases of human rights abuse in certain countries in that region.

At its meeting of 7 February 1985 (also attended by Mrs van den HEUVEL), the delegation for relations with South America decided to send a telegram to the Chilean Government in protest at the human rights violations in Valparaiso.

At its meeting of 19 February 1986, the delegation for South America heard the Brazilian chargé d'affaires, Mr NOGUEIRA JUNQUEIRA, speak on the efforts made by his government to guarantee total respect for human rights, even in the region of Amazonia where, early in 1986, there were reports that the natives were being ill-treated.

At its meeting of 20 May 1986, the delegation for Central America decided to ask the President of the European Parliament to approach the Council and the Commission for information concerning the fate of eight German voluntary workers captured by the rebels in Nicaragua.

During the period under review, the chairmen of the two delegations for relations with Latin America have approached the heads of the missions from Costa Rica, El Salvador, Honduras and Peru to discuss individual cases of actual or presumed human rights violations in those countries. The missions concerned have provided or have promised to provide the explanations requested.

The two delegations have also taken note of various papers on this subject sent to their chairmen by other European Parliament bodies.

#### SOUTH ASIA delegation

Human rights issues have been much to the foreground in parliamentary debates on the situation in certain countries of South Asia, in particular in Pakistan and Sri Lanka. Since the visit to Sri Lanka in April 1984, the members of the delegation have received occasional papers on the human rights situation in Sri Lanka. A resolution of the European Parliament adopted in June 1985 on the human rights situation in Sri Lanka requested a special delegation to visit Sri Lanka as soon as possible; the EP delegation interpreted its brief as including all aspects of relations between the EC and Sri Lanka (and other South Asian countries) and its proposal to visit Sri Lanka before or after its visit to India in April-May 1986 was not considered timely by the Sri Lankan authorities who had already been invited to visit the European Parliament as part of normal interparliamentary exchanges. A visit of the Sri Lankan parliamentary delegation to the EC is awaited.

Parliament's appropriate committees discussed the EC - Pakistan Agreement initialled on 23 July 1985; human rights issues were raised then. Contacts between the delegation chairman and members and the Ambassador of Pakistan allowed discussion on these matters; a suggested visit by the bureau of the delegation at the time of its visit to India could not be effected because of the unavailability of leading Pakistani personalities and insufficient preparation time during that period.

During its visit to India in April 1986, the EP delegation raised with the Indian Minister for Parliamentary Affairs the events following the assassination of Mrs Gandhi in September 1986 and specific cases of apparent human rights abuse. The delegation received a full answer on the first of these, underlining the Indian Government's and people's support for democratic and judicial procedures and for equality before the law of all religious groups and creeds.

### ASEAN delegation

At the fifth EP-AIPO interparliamentary meeting held in Luxembourg in July 1985, the question of human rights violations in a number of ASEAN countries was raised. By prior agreement, the matter had not been entered on the formal agenda for the interparliamentary meeting. However, it was raised by a Filipino opposition member, and the discussion was then widened to raise specific allegations of human rights violations in Indonesia. The Indonesian delegates took the opportunity of rebutting what they claimed to be unfair accusations against their country contained in European Parliament resolutions. In addition to the discussion on the subject, which took place between the two delegations during the working session, numerous members took the opportunity of raising individual cases with the various ASEAN parliamentarians participating in the visit.

The Ambassadors of Malaysia and Indonesia, in separate letters addressed to the President of the European Parliament, protested at what they claimed to be inaccuracies in resolutions adopted by the Parliament. The Malaysian Ambassador, in particular, referred to the inclusion of his country in the resolution on human rights in the world in 1984.

At a meeting between the Ambassadors of the ASEAN countries in Brussels and the EP delegation in January 1986, the question of human rights was raised, and the Ambassadors urged that in future, the tablers of motions involving their countries should first submit them for comments to the ASEAN Mission in Brussels concerned. In this connection, the Indonesian Ambassador referred to a resolution which had been adopted by the European Parliament condemning the execution of certain trade unionists, some of whom had not in fact been executed at all.

On 21 May 1986, a representative of Amnesty International addressed a preparatory meeting of the ASEAN delegation on the methods used and criteria applied by AI in collecting and verifying information on the fate of prisoners of conscience throughout the world.

### CHINA delegation

At the fifth meeting between the European Parliament and the Chinese National People's Congress held in October 1985, the question of human rights in the People's Republic of China was not raised, in accordance with the policy followed by the various chairmen of the EP delegation for relations with the People's Republic of China which holds that it is more important to find points of agreement with this new partner state than to seize immediately on points of disagreement.

The text of the resolution on human rights in the world in 1984 was probably sent by the Subcommittee to the Chinese mission to the EC. On 11 December 1985, the Chinese Ambassador to the EC, Mr Liu SHAU, informed the Secretary-General of his position on the EP document.



At the sixth EP/NPC meeting, which took place from 17 to 27 May 1986 in China the matter was not discussed with the Chinese delegates. The problem of human rights is, however, recognized by foreign observers (for example, the Ambassadors of the Twelve in China).

AUSTRALIA and NEW ZEALAND delegation

During its visit to Australia in November 1985, the Australia/New Zealand delegation met with representatives of the aboriginal people in Cairns, Queensland. The meeting was arranged with the assistance of the Queensland State Government. Aboriginal leaders, particularly in Queensland, complain that their rights to own property are being systematically violated. The delegation took no formal action on this matter, but various individual members of the delegation have kept in touch with the aboriginal leaders concerned and have taken a variety of initiatives since their return to Europe.

Proposals adopted by the Chairmen of the Interparliamentary Delegations for implementation within each delegation involved in human rights

On the practical level, the following proposals could be submitted for consideration and adoption by the Committee of the Chairmen of the Interparliamentary Delegations and for implementation within each delegation involved in human rights:

- (1) Each delegation to name at least one permanent human rights spokesman on a proposal from the Bureau of the delegation. Where this procedure is not followed, or where the post is left vacant, the chairman of the delegation to act as spokesman.
- (2) The members of the delegations, and first and foremost the chairmen and human rights spokesmen, to receive any documentation and proposals for action from the competent bodies of the European Parliament (Subcommittee on Human Rights; Human Rights Unit of the Secretariat).
- (3) Each delegation to authorize its human rights spokesman to make representations with all due discretion and at the highest possible level to those representatives of the executive, the legislature and the judiciary who are most suitable and most likely to have a genuine influence on the situation concerned.
- (4) The human rights spokesmen to report to the Subcommittee on Human Rights on the outcome of any actions undertaken at its request.
- (5) The delegations asked by humanitarian organizations or individuals to intervene in human rights cases to be free to take direct action as they see fit but systematically to inform the aforementioned competent bodies so as to enable the European Parliament to act in a consistent and sustained manner.

Motion for a resolution (Document B 2-329/85)  
tabled by Mr DE GUCHT  
pursuant to Rule 47 of the Rules of Procedure

on Dimos SOLOMOU, a Cypriot conscientious objector

The European Parliament,

- A. having regard to Article 9 of the European Convention on Human Rights that guarantees freedom of thought, conscience and religion, 478 (1967),
- B. having regard to Resolution 337(1967) and Recommendation 816(1977) of the Parliamentary Assembly of the Council of Europe on the right of conscientious objection to military service,
- C. having regard to the Macciocchi report (1-546/82) drawn up on behalf of the Legal Affairs Committee on conscientious objection,
- D. having regard to the decisions of the Court of Justice of the European Communities and the Common Declaration by Parliament, Council and Commission stressing the importance they attach to the protection of fundamental rights as defined in the European Convention on Human Rights,
- E. whereas Mr Dimos Solomou, a Cypriot citizen, is, as a Jehovah's Witness, refusing to perform his military service and has for this reason served a sentence of one years' imprisonment,
- F. whereas he is now to be called up again, and will accordingly be re-imprisoned if he once again refuses to perform his military service on grounds of conscience,
- G. whereas those who profess the Catholic, Armenian or Maronite faith are allowed to refuse to perform military service on grounds of conscience,
  - whereas freedom of conscience and religion are inviolable fundamental rights,
  - whereas the right to freedom of conscience and religion are infringed if military service cannot be refused on grounds of conscience based on religious beliefs,
1. Calls on the Government of Cyprus to put an end to the current discrimination between members of the Catholic, Armenian and Maronite faiths on the one hand and Jehovah's Witnesses on the other with regard to the possibility of refusing military service on grounds of conscience;
2. Calls on the Government of Cyprus to bring its legislation in this area into line with the European Convention on Human Rights;
3. Asks the Government of Cyprus, on the basis of these principles, not to call up Dimos Solomou again for the performance of military service;
4. Instructs its President to forward this resolution to the Government of Cyprus, the Commission of the European Communities and the Council of Ministers meeting in political cooperation.

MOTION FOR A RESOLUTION (Document B 2-367/85)  
tabled by Mr LOMAS  
pursuant to Rule 47 of the Rules of Procedure

on the concern on human rights in the Republic of Korea ROK/South Korea  
The European Parliament,

- A. having regard to the torture and ill-treatment of political prisoners that was prevalent in 1980 when martial law was in force,
- B. shocked that torture and ill-treatment has continued to be inflicted on political and ordinary criminal suspects since the end of martial law, despite its prohibition under the Constitution of October 1980, and government assurances that steps would be taken to eradicate such abuses,
- C. concerned that since the lifting of martial law in January 1981, reports still show torture continued in cases of people who were suspected of pro-communist or socialist sympathies. Over 100 students were detained each year in the period under review for illegal anti-government demonstrations or leafletting, and that reports indicate they were subjected to beatings,
- D. deploring the fact that torture and ill-treatment are used for two purposes, as a means of intimidation, where no case charges were brought, and to obtain confessions. Most prisoners appear to have been subjected to several days of beating, threats of secret execution, to break their resistance,
- E. noting that in most cases of alleged torture, the prisoners were detained without a warrant of arrest, legal limits of the length of detention (48 or 72 hours) were not respected, prisoners were not allowed to meet their counsel, relatives were prohibited from meeting prisoners before indictment. Ill-treatment was not prevented by the occasional presence of military doctors as required under martial law,
- F. deploring that group prisoner protests, such as hunger strikes, against prison conditions, were also met with physical ill-treatment, reports of such incidents in various places have been received in 1981, 1982, and 1983, with at least two deaths being reported,
- G. concerned that in spite of a constitutional guarantee that evidence obtained under torture would not be accepted by the courts, confessions obtained under duress were accepted as evidence in several political trials, without thorough examination of their validity or defendants' claims to the contrary,
- H. shocked at the torture and ill-treatment of prisoners, the methods of which include: water - by forcing water through the nostrils of a prisoner hung upside down, twisting limbs with wooden sticks, banging the head back and forward, and 'roast chicken', - where the prisoner is suspended, hands and feet tied together from a club put into the crook of the knees, and the use of electric shocks,
  - 1. Expresses its horror and disgust at such ill-treatment of suspects and prisoners;
  - 2. Calls on the Member Governments to implement a comprehensive ban on the export of all instruments which can be used in torture, notably cattle prods that can be used to administer electric shock treatment, leg irons, shackles, and gang chains. Such instruments having been produced in the United Kingdom and exported to ROK, or have passed through the UK to ROK;
  - 3. Calls on the President to forward this Resolution to the Commission, the Council, and Foreign Ministers meeting in Political Co-operation, and to all the Member States, and to the Government of ROK.

MOTION FOR A RESOLUTION (Document B 2-373/85)  
tabled by Mr VANDEMEULEBROUCKE and Mr KUIJPERS  
pursuant to Rule 47 of the Rules of Procedure

on the situation of the Kurds

The European Parliament,

A. having regard to the Universal Declaration of Human Rights (1948), in particular:

Art. 15 - 'Everyone has the right to a nationality';

Art. 13 - 'Everyone has the right to freedom of movement and residence within the borders of each State';

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

B. having regard to the UN Covenant on Economic, Social and Cultural Rights (1966):

Art. 1 - 'All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development',

C. having regard to the UN Covenant on Civil and Political Rights (1966):

Art. 2 - 'Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status',

D. having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950):

Art. 4 - 'No one shall be held in slavery or servitude';

Art. 14 - 'The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national or social origin, association with a national minority, property, birth or other status',

E. having regard to the UNESCO Recommendation concerning Education for International Understanding, Cooperation and Peace (1974):

Section III - Guiding principles - 4(b) 'understanding and respect for all peoples, their cultures, civilizations, values and ways of life, including domestic ethnic cultures and cultures of other nations',

F. having regard to the Final Act of the Conference on Security and Cooperation in Europe (Helsinki),

G. having regard to the difficult situation of the Kurdish people, living across five countries - Turkey (6 million), Iran (4 million), Iraq (2.5 million), Syria (600,000) and the Soviet Union (300,000) - and frequently subject to political oppression and all kinds of other repressive measures, including torture and ill-treatment,

- H. having regard to the little attention given to the Kurdish question until now in proportion to other ethnic groups,
  - I. having regard to the continuing cultural oppression of the Kurdish people in various States and the bans on Kurdish education, speaking Kurdish and setting up Kurdish organizations,
  - J. having regard to the continuing social oppression of the Kurdish people, their frequently severe poverty and the denial to them by various States of international aid,
  - K. having regard to the economic embargo applied in various places by means of the destruction of their crops, the slaughter of their livestock and suchlike,
  - L. having regard to the refusal, at political level, of any recognition of the Kurdish identity,
  - M. having regard in particular to the continuing enforced Arabization and the unremitting discrimination, ill-treatment and deportations practised on the Kurds by the Iraqi authorities, especially in the oil-rich areas of Kirkoek, Khanagin, Mosoel and Erbil,
  - N. having regard to the fact that in discussions on the problems of the Middle East the difficulties faced by the Kurds are unjustly left out of consideration,
  - O. having regard to the constant efforts of the dispersed Kurdish people to secure the right of self-determination, which has been promised to them in the course of history by various authorities (Treaties of Lausanne and Sèvres) but has never been granted by Turkey, among other States,
  - P. having regard to the fact that in various States the cheated and betrayed Kurdish minorities which have in despair taken up arms are being ruthlessly massacred in their thousands,
  - Q. having regard to the present sheltered situation of the Kurds in the Soviet Union,
1. Protests strongly at all forms of discrimination and repression at any level against the Kurdish minorities;
  2. Requests the Foreign Ministers meeting in political cooperation to make representations to the various States with Kurdish minorities, with a view to bringing to an end the continuing repression of the Kurdish people and securing acknowledgement of the Kurdish ethnic reality;
  3. Calls also, more specifically, for the Kurdish people in any State to be given the right to education and culture in their own language;
  4. Instructs its President to forward this resolution to the Commission, the Council, the Foreign Ministers meeting in political cooperation and the governments of Turkey, Iraq, Iran, Syria and the Soviet Union.

MOTION FOR A RESOLUTION (Document B 2-388/85)  
tabled by Mr van der WAAL  
pursuant to Rule 47 of the Rules of Procedure

on the situation of the Jews in Syria

The European Parliament,

- A. having regard to the Universal Declaration of Human Rights, particularly Article 13(2),
- B. having regard to the many restrictions on the freedom of Jews living in Syria, including the fact that they are not allowed to leave Syria freely,
- C. deeply concerned at the position of the 4 500 Jews in Syria,
  1. Urges the Syrian Government to treat Syrian Jews in accordance with universally recognized human rights;
  2. Calls on the Syrian Government not to treat or to regard Jews in Syria as hostages in the conflict with Israel;
  3. Calls on the Syrian Government to admit committees of inquiry into human rights, particularly those dealing with Syrian Jews;
  4. Instructs its President to forward this resolution to the Council, the Commission, the Foreign Ministers meeting in political cooperation and the Syrian Government.

MOTION FOR A RESOLUTION (Document B 2-420/85)  
tabled by Mr DEPRez  
pursuant to Rule 47 of the Rules of Procedure

on the resurgence of pirate attacks on Vietnamese boat refugees

The European Parliament,

- A. noting with concern the sharp resurgence of piracy in the China Sea against Vietnamese boat refugees. The United Nations High Commissioner for Refugees (UNHCR) cites five recent irrefutable cases to illustrate the extent of the tragedy:
- on 18 February 1985 a small craft left Vietnam with 22 people on board. The following day it was attacked twice, two women were abducted and the boat literally cut in two: 18 people were drowned. There were only 4 survivors: two men rescued from the water and the two abducted women who were ultimately put ashore in Thailand by the pirates in a pitiful state after several weeks of abuse.
  - on 18 March 1985, pirates attacked on two occasions a boat carrying 87 refugees: 5 women were abducted.
  - on 30 March 1985, a boatload of 17 refugees was sunk by pirates who abducted the women and threw the men into the sea. Five men were rescued.
  - on 6 April 1985, near the Malaysian coast, 17 other refugees were attacked. There were 10 survivors.
  - on 23 April 1985, 12 more people left Vietnam on a make-shift craft. Five people were drowned or killed following an attack by pirates.
- B. whereas cases of pirate attacks generally go unrecorded as the pirates attempt to get rid of any witnesses or victims of their misdemeanours,
- C. whereas the pirates are not wholly responsible for the situation since the Vietnamese authorities encourage opponents to flee illegally and in precarious conditions through its policy of crippling 'taxation' of official applicants for departure from Vietnam,
- D. noting the efforts made by some States, such as France, and certain NGO's, like Médecins du Monde, to protect and rescue the 'boat people'. In only 15 days (from 30 April to 14 May 1985) two French ships on a humanitarian mission rescued 139 Vietnamese 'boat people',
- E. having regard to the present excellent relations between the European Community and ASEAN,
1. Calls on the Community to take an emergency decision on a special and substantial grant to the NGO's working for the physical rescue of Vietnamese 'boat people';
  2. Calls on the Governments of the Member States of the EEC and of ASEAN to send out small warships to deter the pirates in the China Sea;
  3. Calls on the Council of Ministers of the Community to make representations to the Vietnamese Government for emigration requirements to be eased so that Vietnamese citizens are no longer encouraged to leave Vietnam by sea in precarious conditions;
  4. Instructs its President to forward this resolution to the Council, to the Commission, to the Governments of the Member States of the EEC and of ASEAN, and to the Government of Vietnam.



MOTION FOR A RESOLUTION (Document B 2-540/85)  
tabled by Mr ANTHONY on behalf of the Group of the European Right  
pursuant to Rule 47 of the Rules of Procedure

on the deportation of Europeans in the Soviet Union

The European Parliament,

- having regard to the remarkable book by Pierre Rigoulot entitled 'Frenchmen in the Gulag' and published by Fayard (September 1984 - Paris),
- having regard to the letter from Armand Maloumian, Secretary-General of International Resistance to the Members of the European Parliament (25 March 1985),

A. having regard to :

- (a) the fact that the Soviet regime has been involved in the deportation and disappearance of more militant Communists than any other and whereas Stalin certainly has the deaths of more Communists on his conscience than Hitler;
- (b) the internment in Soviet camps before the war of many Libertarians and Communists from Austria, Hungary, Germany, Italy, Poland, Greece and Spain, who had entered the USSR of their own free will;
- (c) the situation of those Europeans, particularly Poles, Frenchmen and citizens of the Baltic countries, who were interned during the war;
- (d) the significant rise in the number of Western Europeans held in the Soviet Union at the end of the war and the Red Army's victory on the Eastern front;
- (e) the fact that the post-war period brought a new batch of deportees: soldiers from the occupation forces in western areas of Germany who were abducted by the Russians, new converts whose enthusiasm led them to enter the USSR, priests accused of spying for the Vatican etc;

B. having regard to the ill-will manifested by the Russians for decades in respect of the number and identity of Western Europeans still in detention in the USSR,

C. whereas identity papers have been changed and names converted into Russian and whereas the Russians have forced prisoners to take Soviet citizenship in exchange for better conditions of detention,

1. Requests that :

- (a) the official archives of various States be made more accessible (the provisions made in France are quite reasonable - the archives which can be consulted in the Ministry of External Relations go up to 1955, which is not the case in Belgium, for example);
- (b) the relevant committee make arrangements for a study involving the collection of testimonies, press cuttings and information from private individuals with a view to drawing up a white paper on the deportation of Europeans to the Soviet Union;
- (c) lists be drawn up, once the testimonies given by European citizens who have been deported to the USSR have been checked, so that a claim can be made against the Soviet Government for damages and interest to compensate for their years of suffering;

2. Instructs its President to forward this resolution to the Heads of State or Government of the Member States of the Community.

MOTION FOR A RESOLUTION (Document B 2-617/85)  
tabled by Mr TZOUNIS, Mr BOUTOS, Mr EVRIGENIS, Mr CHRISTODOULOU, Mr LAMBRIAS,  
Mr ANASTASSOPOULOS, Mrs GIANNAKOU-KOUTSIKOU, Mr GERONOTOPOULOS and Mr STAVROU  
pursuant to Rule 47 of the Rules of Procedure

on the demolition of the orthodox church of Aghiou Georgiou Makrochoriou

The European Parliament,

- A. whereas the Istanbul authorities have approved - and actually started work on - the demolition of the orthodox church of Aghiou Georgiou Makrochoriou,
- B. noting that this church which was built in 1830 is a monument of great cultural importance - as the Turkish authorities themselves have officially recognized - and is the foremost place of worship for the local Christian Orthodox community,
- C. deeply alarmed by this act of bigotry, which shows the contemptuous attitude of the authorities towards freedom of religion - a fundamental right enshrined in the constitutions of Europe and international agreements concerned with safeguarding human rights,
  1. Condemns this act since it is contrary to the principles of human rights and fundamental freedoms;
  2. Calls as a matter of urgency on the Foreign Ministers meeting in political cooperation, the Council and the Commission of the European Communities forthwith to take such measures as are necessary to preserve this religious monument;
  3. Instructs its President to forward this resolution to the Foreign Ministers meeting in political cooperation, the Council, the Commission of the European Communities and the Turkish Government.

MOTION FOR A RESOLUTION (Document B 2-762/85)  
tabled by Mr VANDEMEULEBROUCKE and Mr KUIJPERS  
pursuant to Rule 47 of the Rules of Procedure

on political prisoners in Laos

The European Parliament,

- A. whereas, according to investigations by Amnesty International, at least 6 000 political prisoners are still being held in Laos,
  - B. whereas these prisoners are incarcerated in remote parts of the country,
  - C. having regard to statements by the present government that the 10 000 to 15 000 supporters of the former regime arrested during the Communist takeover in 1975 have already been released,
  - D. whereas, according to various sources, these government statements are not in the least accurate,
1. Enjoins the Government of Laos to ensure that all supporters of the former regime who are still detained receive a fair trial and that all those against whom there is no evidence of serious offences are released immediately;
  2. Calls on the Foreign Ministers meeting in political cooperation to urge the Laotian authorities to respect human rights in all their actions;
  3. Instructs its President to forward this resolution to the Foreign Ministers meeting in political cooperation and to the Laotian authorities.

MOTION FOR A RESOLUTION (Document B 2-881/85)  
tabled by Mr SCHWALBA-HOTH  
pursuant to Rule 47 of the Rules of Procedure

on the imprisonment of Mahmud Baidan in Syria

The European Parliament,

- A. whereas the right of freedom of expression is one of the human rights recognized by the United Nations and in the European Convention on Human Rights,
  - B. whereas no one should be prevented from exercising this right by imprisonment,
  - C. whereas the Lebanese lawyer, Mahmud Baidun was abducted from Tripoli in 1971 and taken to Syria where he was placed in prison,
  - D. whereas Mahmud Baidun was an active member of the Ba'ath Party of Syria and, during the presidency of Salah Dschadid (1966-1970), was one of a group of Lebanese Ba'ath supporters who received financial support from the Syrian Government to publish a newspaper in Lebanon,
  - E. whereas the new Syrian Government of President Hafez el Assad, who came to power in a coup in 1970, has apparently repeatedly called on the newspaper to repay the financial support received from Syria,
  - F. whereas Mahmud Baidun was probably abducted to Syria because he was one of the three authorized signatories of the newspaper's bank account,
  - G. whereas Mahmud Baidun has been held in detention since then without charges being brought and without trial,
  - H. whereas Amnesty International takes the view that Mahmud Baidun is being held in prison solely to prevent him exercising his right of freedom of expression,
1. Calls on the Syrian Government and its prosecuting authorities to take steps to ensure the immediate release of Mahmud Baidun;
  2. Calls on the Syrian Government to respect the right of freedom of expression;
  3. Instructs its President to forward this resolution to the Syrian Government, the Council, the Commission and the governments of the Member States.

MOTION FOR A RESOLUTION (Document B 2-898/85)  
tabled by Mrs LIZIN  
pursuant to Rule 47 of the Rules of Procedure

on the hanging of a trade unionist in Pakistan

The European Parliament,

- A - having been informed that Mr Ayaz SAMOO, a 22 year-old trade unionist and member of the Pakistan People's Party, was hanged at the end of June, in spite of attempts by Amnesty International to save him,
  - B - having been informed of the torture suffered by Mr SAMOO before his execution,
  - C - whereas he was sentenced to death by a military court sitting in camera,
  - D - having been informed that other trade unionists are currently standing trial, and fearing for the life of these individuals,
1. Requests that European aid to Pakistan be made conditional on the restoration of democratic freedoms in that country;
  2. Requests the Ministers meeting in political cooperation to make representations to the Pakistan Government with a view to securing the release of persons imprisoned for their opinions and stopping the ill-treatment of prisoners in accordance with the principle of respect for human rights;
  3. Instructs its President to forward this resolution to the Pakistan Government and to the Ministers meeting in political cooperation.

MOTION FOR A RESOLUTION (Document B 2-615/85)  
tabled by Mr COTTRELL  
pursuant to Rule 47 of the Rules of Procedure

concerning atrocities in Uganda

The European Parliament,

- A. shocked by the reports of torture and atrocities in Uganda contained within a report produced by Amnesty International,
  - B. deeply regretting that serious infringements of human rights continue in Uganda despite the overthrow of the Amin regime,
  - C. deeply concerned that atrocities are being committed by Government agents against totally innocent persons,
  - D. recalling the continuing preoccupation of this Parliament with matters of human rights,
  - E. noting the willingness of certain African countries associated with the Community through the ACP pact to ignore appalling records of human savagery such as that revealed by Amnesty International,
  - F. regretting the lack of any apparent progress in raising concern for human rights in Africa through the EEC ACP pact,
1. Resolves to request Commission and Council to institute an urgent review of the human rights provisions within the Lome Convention;
  2. Considers linkage between human rights and respect for humanity as an integral part of Community philosophy on funding;
  3. Expresses to the Governments of Uganda its deepest concern over the latest reports from the country and warns that respect for human rights is accorded highest priority by this Parliament;
  4. Insists that future renewals of the Lome Convention must ensure that respect for human rights by individual countries is a condition for Community investment.

MOTION FOR A RESOLUTION (Document B 2-1188/85)  
tabled by Mr KUIJPERS and Mr VANDEMEULEBROUCKE  
pursuant to Rule 47 of the Rules of Procedure

on young people and human rights

The European Parliament,

- A. having regard to the United Nations Charter on Human Rights,
  - B. having regard to the report by Amnesty International showing that young people are often victims of the most flagrant violations of human rights, sometimes because they are conscientious objectors and sometimes as a result of reprisals by the army or death squads,
  - C. having regard to reports that, on 2 May 1984, 25 young people between the ages of 14 and 25 were arrested in South Africa on the occasion of a schools' boycott,
  - D. having regard to the fact that one of those arrested, Sijho Mutsi, died after three days in detention,
  - E. having regard to reports that students are punished by whipping in Mozambique,
  - F. having regard to the fact that a 13 year-old boy was murdered during a reprisal raid by the army in Sri Lanka,
  - G. having regard to the fact that Safet Krasnji, aged 16, and Zoja Shala, aged 18, were sentenced to three years' imprisonment in Yugoslavia for distributing leaflets,
1. Requests the Commission and the Council to lodge a strong protest with the governments concerned;
  2. Requests the Commission and the Council to demand at the same time that such practices be stopped;
  3. Instructs its President to forward this resolution to the Commission, the Council and the governments of the countries concerned.

MOTION FOR A RESOLUTION (Document B 2-1579/85)  
tabled by Mr NEWMAN  
pursuant to Rule 47 of the Rules of Procedure

on political prisoners in Kosovo, Yugoslavia

The European Parliament

- A - Having regard to the written question from Mr E Newman concerning Qerim Sopi, a political prisoner in Yugoslavia to the Foreign Ministers meeting in political co-operation (No 185/85)(1) tabled on 18th March 1985 and their reply of the 6th November 1985,
- B - Noting the 7 month delay that it took the Foreign Ministers to reply and the totally unsatisfactory reply received: "the specific case mentioned by the Honorable Member was not discussed in the context of European political co-operation",
- C - Noting also that the Yugoslavian authorities have not replied to - or even deigned to acknowledge - the repeated representations made to them on behalf of Mr Sopi, by Mr E Newman, Member of the European Parliament,
- D - Having regard to the Second Report drawn up on behalf of the Political Affairs Committee on Human Rights in the world for the year 1984 and Community policy on Human Rights (Doc A 2-121/851, Rapporteur Mrs Ien Van den Heuvel).
- E - Noting the Rapporteur's view that an 'ad hoc' policy on human rights is not sufficient and the situation requires a more formalised approach (pp 37),
- F - Having regard to the vast number of questions on human rights issues raised in the European Parliament,
- G - Further noting that in many cases the replies received often take many months and are inadequate, as in the case of the question concerning Qerim Sopi,
1. Condemns the Foreign Minister meeting in political co-operation for their lack of action in the field of Human Rights in general and the case of Qerim Sopi in particular.
  2. Calls on the Foreign Ministers meeting in political co-operation to pursue a much more active constructive and positive policy to aid political prisoners, prisoners of conscience and the development of human rights generally in the future - particularly when cases of human rights violations have been brought to their attention by Members of the European Parliament.
  3. Draws the attention once again of the Foreign Ministers meeting in Political Co-operation to the imprisonment on political grounds of Mr Qerim Sopi and many other ethnic Albanians in the Kosovo region of Yugoslavia (as highlighted by Amnesty International) - and calls on the Foreign Ministers to intervene to secure the release of these political prisoners.
  4. Instructs its President to forward this resolution to the Commission, the Council, the Member State Governments, the Government of Yugoslavia and the Foreign Ministers of the Twelve meeting in Political Co-operation.

(1) OJ No. C 324, 16.12.1985, page 2



MOTION FOR A RESOLUTION (Document B 2-74/86)  
tabled by Mr KUIJPERS and Mr VANDEMEULEBROUCKE  
pursuant to Rule 47 of the Rules of Procedure

on the use of torture in Pakistan

The European Parliament,

- A. having regard to reports by Amnesty International of increasing violation of human rights in Pakistan,
- B. whereas many political prisoners have no right to a fair trial and many constitutional guarantees are simply being ignored,
- C. whereas many people have been tortured,
- D. whereas in some cases prisoners have parts of their bodies cut off as a punishment,
  1. Emphatically condemns these violations of human rights ;
  2. Calls on the Pakistan Government to put an end to these violations of human rights immediately ;
  3. Instructs its President to forward this resolution to the Commission, the Foreign Ministers meeting in political cooperation and the Pakistan Government.

MOTION FOR A RESOLUTION (Document B 2-332/86)  
tabled by Mr GLINNE  
pursuant to Rule 47 of the Rules of Procedure

on the refusal to recognize the right of conscientious objection in Poland

The European Parliament,

- A. whereas a two-year period of national service is compulsory in the Polish People's Republic,
- B. whereas a peace movement called 'Freedom and Peace' which describes itself as 'genuine' and independent of both the government in Warsaw and Western peace organizations, is being harassed by the political, police and military authorities in Poland,
- C. having particular regard to the sentence of 36 months' imprisonment passed in late 1985 on Mr Marek ADAMKIEWICZ on a charge of having refused to swear an oath compelling young recruits to 'defend the interests of the Warsaw Pact' as defined in a situation where 'an internal state of war' and martial law exist,
- D. having regard to the policy of harsh persecution and sentencing adopted towards the young people backing Mr Marek ADAMKIEWICZ's stand and towards the thousands of people who recently signed an open letter in support of those 'refusing to take the military oath in its present form' and demanding recognition for the right of conscientious objection and a real alternative to national service,
  1. Strongly deplores the fact that the civilian alternative to national service in Poland includes a compulsory period of military training;
  2. Calls on the Polish authorities, as SOLIDARITY continues to do, to recognize the right of conscientious objection - a measure which would encourage both the development of a climate of confidence between East and West and constructive internal dialogue in Poland;
  3. Requests the Foreign Ministers meeting in political cooperation to consider the right of conscientious objection as a major issue within the multilateral framework of cooperation and security in Europe;
  4. Instructs its President to forward this resolution to the Foreign Ministers of the European Community meeting in political cooperation, the Commission and the Foreign Minister of the Polish People's Republic.

MOTION FOR A RESOLUTION (Document B 2-334/86)  
tabled by Mr STAES  
pursuant to Rule 47 of the Rules of Procedure

on the situation in Zaire

The European Parliament,

- A. having regard to the statements on Zaire by the UN Commission for Human Rights,
- B. whereas, according to the Commission, Zaire has violated human rights as regards a number of aspects of the arrest, imprisonment and treatment of members of the Zaire parliament who wished to set up an opposition party,
- C. noting more specifically that these cases involve arbitrary detention and imprisonment, the maltreatment of prisoners, restriction of freedom of movement, measures to prevent those concerned from putting their case publicly and without interference and the persecution of individuals for their opinions and denying them the right to appear in public,
- D. whereas the Zaire Government did not consider it necessary to defend its position during the proceedings of the UN Commission, and still less to answer any of the questions put by the Commission,
- E. whereas the UN Commission urged Zaire to take appropriate measures to redress these wrongs, to compensate the victims, and to initiate an inquiry into the circumstances in which they occurred,
- F. having regard to numerous other reports of more recent violations of human rights by the Zaire authorities,
- G. whereas the Zaire Government has recognized the UN Commission,

Resolves

- 1. to make the Zaire Government aware that the European Parliament endorses the opinion of and measures proposed by the UN Commission;
- 2. to urge the Belgian Government to draw the necessary conclusions from this statement as regards its policy towards Zaire;
- 3. to do its utmost to improve the human rights situation in Zaire, inter alia through the cooperation agreements between the Community and Zaire whereby it should be more clearly stipulated that such agreements are linked to respect for human rights, on the basis of the statement by the UN Commission;
- 4. to call on all the Member States of the Community to adopt a similar political line in their bilateral relations with Zaire;
- 5. Instructs its President to act accordingly and to forward this resolution to the Commission, the Council, the Member States of the Community and the government of Zaire.

