

EUROPEAN PARLIAMENT

POLITICAL AFFAIRS COMMITTEE
Working Group on Human Rights

DRAFT REPORT
on
human rights in the world
and Community policy on human rights

Rapporteur: Lord BETHELL

30.11.1983

PE 87.955

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.

At its meeting on 17-18 October 1983, the Political Affairs Committee appointed Lord BETHELL as rapporteur for the year 1983-84.

The report was considered by the Working Group on Human Rights at its meetings on

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The following took part in the vote:

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A

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

MOTION FOR A RESOLUTION

on human rights in the world and Community policy on human rights

The European Parliament,

- Having regard to the following motions for resolution:

- Having regard to the resolution on human rights in the world adopted on 17 May 1983⁽¹⁾,

- Having regard to the report of its Political Affairs Committee (Doc.).

- A. Recalling its commitment to draw up annually a report on human rights in the world;
- B. Recalling the terms of its first annual report which gave particular emphasis 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;
- C. Whereas a commitment to democratic principles of government and to the protection of human rights and fundamental freedoms is a pre-condition of membership of the European Community;
- D. Regretting that very little progress has been noted during the past year with regard to the establishment of a comprehensive and consistent Community policy on human rights with respect to third countries;
- E. Convinced that the establishment and application of such a policy is more than ever essential, and responds to the wishes of millions of citizens who continue to make appeals to the Community and its Parliament to intervene actively in cases of human rights violations;

⁽¹⁾ OJ No. C161, page 58 of 20.6.1983

- F. Profoundly saddened by the continuing scale of human rights' violations in 1983, particularly with regard to political killings, disappearances and mass expulsions, which could be said to indicate a general deterioration of the situation with respect to human rights;
- G. Expressing its deep sorrow at the murder in El Salvador in March 1983 of Marianela GARCIA VILLAS, founder of the non-governmental Human Rights Commission of El Salvador, who had frequently supplied information to the European Parliament, and whose tragic fate has made her a symbol for those who continue to fight for human rights at great personal risk;
- H. Conscious that while this report was being prepared, some twenty wars were raging in various parts of the world, torture and ill-treatment was known to take place regularly in at least fifty countries, and nearly half of the 157 member states of the United Nations held various categories of political prisoners;
1. Expresses its profound distress at the number of countries in the world where violation of human rights can be said to be "gross and systematic", and the fact that a majority of these violations were perpetrated by governments or their agents.
 2. Is particularly preoccupied by information which has come to light recently showing the sheer scale of certain types of human rights' violations, particularly "disappearances" and political killings.
 3. Notes that among those countries which caused members of its Working Group on Human Rights great concern during 1983 were: Afghanistan, Albania, Argentina, Chile, China, Czechoslovakia, El Salvador, Ethiopia, Guatemala, Guinea, Indonesia (East Timor), India, Iran, Iraq, Kampuchea, Laos, Lebanon, Libya, Malaysia, Morocco, Mozambique, Pakistan, Paraguay, Philippines, Poland, Nigeria, Romania, South Africa, the Soviet Union, Sri Lanka, Syria, Turkey, Uganda, Uruguay, Vietnam and Zimbabwe.⁽¹⁾
 4. Affirms that mere condemnation, and expressions of outrage, are not enough and that all possible steps must be taken by the European Community to prevent such occurrences and to alleviate suffering.

(1) The countries named are those brought particularly to the attention of the Working Group on Human Rights during 1983. It should not be taken as an exhaustive list of those countries where serious violations of human rights occur.

Community Policy

5. Believes that the European Community and its institutions have considerable political and economic means at their disposal, which are not being used sufficiently at present, to promote and enhance respect for human rights.
6. Regrets that, despite its call last year for practical steps to be taken by Commission, Council and the Foreign Ministers meeting in European Political Cooperation, little obvious progress has been made in developing a consistent and comprehensive Community human rights' policy.
7. Requests the Commission therefore to submit a written report to Parliament by September 1984, outlining what is currently being done to promote respect for human rights in third countries, and indicating how this activity can be developed further.
8. Requests the Commission in its report to give particular consideration to the following:
 - a) the possibility of making human rights the specific responsibility of one Commissioner;
 - b) the current and potential modalities for linking Community aid with minimum conditions of human rights' protection;
 - c) the feasibility of building human rights' considerations into development programmes and external agreements, and the extent to which human rights matters could be raised in a wide range of the Community's external contacts;
 - d) increased budgetary provision for human rights - related projects within the Community;
 - e) submission of a regular report to Parliament on follow-up to Parliament's resolutions on human rights, and on other Community activities related to human rights.

Council of Ministers and European Political Cooperation

9. Recalls the positive response given by Mr MERTES⁽¹⁾, as President-in-office, to Parliament's first annual report on human rights, and statements by successive Presidents-in-office that they consider human rights matters to be an essential aspect of international relations.

⁽¹⁾ See debates of EP, May 1983

10. Notes that, in the context of European political cooperation, progress has been made in coordinating the position of the Ten on human rights' matters, particularly at international fora, such as the United Nations and CSCE.
11. Believes, however, that, because of the need to achieve consensus within the Ten before taking joint initiatives, not enough progress has been made in raising specific human rights cases and issues with governments of Third countries.
12. Considers that the Foreign Ministers have not accorded sufficiently high priority to human rights' considerations in the Community's development and external relations policies, and have failed to give sufficient support to certain Commission initiatives in this respect (for instance, in the Lomé II negotiations).
13. Requests the President-in-office by September 1984 to make arrangements for Parliament to be informed in an appropriate way (possibly by regular written submissions to the Political Affairs Committee in the context of the quarterly colloquies) as to what initiatives on human rights have been taken by the Ten, at what level and with what effect, and how Parliament's resolutions on human rights have been followed up.

United Nations

14. Believes that the Ten must redouble their efforts to make more effective those United Nations bodies concerned with the protection and promotion of respect for human rights, in particular in order to improve compliance with, and enforcement of, existing international standards.
15. Calls on the Ten to strongly support moves for:
 - a) the adoption of a Draft Convention against Torture, and an optional protocol;
 - b) the establishment of a High Commissioner for Human Rights, with the power to initiate direct contacts with Governments.

16. Believes that the Ten 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, and again strongly urges all Community countries to do so.⁽¹⁾

Action by Parliament

17. Reaffirms its commitment to use all appropriate means to raise and publicise human rights cases and issues, including its contacts with representatives and delegations from Third countries, and at inter-Parliamentary and inter-Party meetings.
18. Undertakes to establish appropriate structures at secretariat level to support these activities, in accordance with proposals made to the Bureau of Parliament by the Political Affairs Committee and its Working Group on Human Rights, and in accordance with Parliament's resolution on the 1984 budget⁽²⁾.
19. Believes that while the United Nations is the world's principal human rights body, it is hampered by its inter-governmental nature, and that therefore, representative institutions like Parliament, and non-governmental organisations, have a vital role to play in raising public consciousness, drawing public attention to human rights issues and cases, and upholding the rights of individual citizens.
20. Instructs its President to forward this resolution to the Commission, the Council, the Foreign Ministers meeting in European Political Cooperation and the Secretary-General of the United Nations.

⁽¹⁾ See Annex I

⁽²⁾ Section I (Parliament) of the general budget of the European Communities for the financial year 1984

EXPLANATORY STATEMENTINTRODUCTION

Unlike Parliament's first annual report on human rights (Doc.1-83/83, adopted on 17 May 1983), this second report does not attempt to give a detailed summary of the situation with respect to human rights violations throughout the world.

This has been largely dictated by circumstances. It was originally the intention, and remains the intention, of the Working Group on Human Rights, that Parliament's annual reports should review the human rights situation world-wide, also making specific reference to certain issues and cases of human rights violations to which Parliament's attention had been particularly drawn, and which it has actively taken up.

To the great regret of the Working Group, however, it has not been possible up to now to establish within Parliament the necessary machinery to collate, evaluate and verify the very considerable flow of information it continues to receive about human rights violations from a wide variety of sources (victims of human rights violations, concerned individuals, pressure groups, NGOs etc.).

Thus, had the Working Group again sought to review the situation in the world, its report, as was the case last year, would have been rather general in content, based largely on secondary sources, and adding little to the annual reports produced by bodies like Amnesty International and the United States Department of State.

It is the earnest hope of members of the Working Group that it will be possible in future years to draw up annually the sort of comprehensive report originally envisaged. With this aim in view, proposals have been made to Parliament's Bureau by the Political Affairs Committee for the creation of an adequately staffed human rights unit to service the Working Group. It should be noted here that there is a conspicuous absence of specialised human rights staff, not just in Parliament, but in the Community institutions generally.

The resolution in this report, therefore, while expressing its deep concern at what some members of the Working Group consider a deteriorating situation with regard to human rights violations in the world, concentrates principally on institutional matters and priorities in the development of a Community human rights policy.

The Working Group has noted only scant progress in developing such a policy since its first report and in this year's resolution therefore has requested the Commission, and the President-in-office of the Foreign Ministers meeting in European Political Cooperation to submit written reports to Parliament by September 1984 on progress made, and progress that could be made.

The Working Group is convinced more than ever that development of a coherent and comprehensive Community human rights policy vis-a-vis Third countries, or at least the elaboration of a clearly formulated set of guidelines and priorities, is long overdue. It feels that the Community, as the world's major trading bloc, with its many wide-ranging agreements, contacts and historic ties throughout the world, can do far more than has been done up to now to promote respect for human rights.

The Working Group believes that the European Parliament, as an elected and representative body, has an important role to play in this process. It might be noted, by way of comparison, that the world's main human rights body, the United Nations and its various institutions, is inter-governmental in character. The United Nations' human rights machinery is therefore weighted in favour of governments, which, as this resolution emphasises, are the most persistent violators of the basic rights of their citizens. The reluctance of governments to ratify the Optional Protocol to the UN Covenant on Civil and Political Rights, on the right of recourse by individuals (so far only 29 countries have done so) is significant in this connection.

The members of the European Parliament, therefore, and indeed of all parliaments, as elected representatives, can be considered to have a primary duty to speak out on behalf of individual victims and to use all means and political influence they can command, both individually and collectively, to raise human rights matters with Third countries.

This is not intended to suggest that the Working Group in any way questions the international primacy of the United Nations and its human rights machinery, despite its apparent imperfections. But the Working Group does believe that the European Community and its Parliament also have an important duty to be active internationally in this field.

COMMUNITY POLICY

Commission

Members of the Working Group recognise that the development of a comprehensive Community human rights policy will take place gradually and that it will involve a variety of different policy sectors. As the principal formulator of Community policy the Commission's role in this process is clearly central.

The Working Group believe that more impetus could be given to this process, if human rights matters were made the specific responsibility of one Commissioner, who would have an overview across the range of Community policies - in particular development, external relations, budgetary.

This might help to ensure that external policy proposals in various sectors were more carefully scrutinised as to their implications for human rights (as is already the case with internal policy proposals which are examined carefully as a matter of routine as to their implications for the rights of the individual citizen).

The Working Group has therefore decided to request the Commission to provide a written statement by September 1984, giving its views on this proposal and on other matters specified in Paragraph 8 of its resolution, notably:

- the current and potential modalities for linking Community aid with minimum conditions of human rights' protection;
- the feasibility of building human rights' considerations into development programmes and external agreements, and the extent to which human rights matters could be raised in a broad range of the Community's external contacts;
- increased budgetary provision for human rights-related projects within the Community.

The Working Group also wished to invite the Commission to consider the possibility of submitting an annual report somewhat along the lines of the Commission's half-yearly report on action taken on Parliament's resolutions, but specifically devoted to human rights matters, and not confined to follow-up of Parliament's resolutions.

It should be added that the Working Group feels that the Commission is aware of the need to bear human rights considerations in mind (most evidently, perhaps, in the sphere of development policy), even though results so far have not been significant.

External Relations and Development Policy

It is not the aim of this report to go into how, or indeed whether, trade, aid and cooperation agreements should be used to further human rights goals. The Working Group is aware of the legal complexities of this matter and is aware that there is a wide range of opinions within Parliament on the issue of applying sanctions, for whatever reason, and on granting emergency aid.

Nonetheless, in certain cases the Community has taken steps to limit cooperation with Third countries (notably Uganda, Central African Republic and Equatorial Guinea) where it was felt that basic human rights were being violated, or where aid was not reaching those for whom it was destined. This policy was the result of Council's decision at its meeting of 21 June 1977 to take steps within the framework of its relations with a particular ACP country, to ensure that any assistance given by the Community to this state under the Lomé Convention would under no circumstances help to intensify or prolong the deprivation of fundamental rights of the people of that country.

Members of the Working Group believe that this policy is right and that the Community should be ready to go further in laying down minimum conditions of respect for human rights when granting assistance.

Members of the Working Group are concerned, however, at the apparent absence of clear criteria and guidelines in the current application of this policy, and believe there is an urgent need for this policy to be more clearly defined. The recent public controversies over the provision of Community aid to Ethiopia and Kampuchea are indicative of the confusion that exists on this issue.

Beyond this, members of the Working Group believe that much more consideration should be given to the possibility of incorporating human rights provisions into preferential agreements, such as those concluded with the ACP countries and with the Magreb and Mashrek countries.

Although efforts to achieve this in the Lomé II Convention failed members of the Working Group believe that greater efforts must be made during the current negotiations for renewal of the convention to formalise a mutual commitment to respect human rights. In particular this means that during the negotiations the Commission should be given the fullest support by Council, which failed conspicuously to do so during the negotiations for Lomé II. In this connection, note should be taken of the resolution (doc.CA/CP/358/fin.) on the functioning of ACP-EEC cooperation adopted by the ACP-EC Consultative Assembly in Kingston on 24 February 1983, the first time that such a resolution on human rights has been adopted by a Joint ACP-EC body.

Somewhat more generally, the Working Group believes that not enough use is currently being made of the variety of opportunities available to the Community to initiate a dialogue with Third country partners on human rights issues. The many meetings, at all levels, which Community delegations and representatives from its various institutions have with Third country representatives offers considerable scope to raise human rights matters in conjunction with discussions on other issues.

Financial Support For Human Rights Projects

Although in the past provision has been made in the Community budget to help certain non-governmental organisations concerned with human rights, it is the view of members of the Working Group that budgetary allocations of this type should be increased.

There is, for instance, a need for awareness-building projects in the field of human rights, particularly in schools and universities, ⁽¹⁾ and for the creation of rehabilitation centres for refugees who have suffered torture and inhuman treatment. There are a number of organisations, such as HURIDOCS or the Danish International Rehabilitation and Research Centre for Torture Victims doing very valuable work on very modest budgets, which would particularly merit Community support.

(1) Report on the teaching of human rights in the Community (Rapporteur: Mr ISRAEL, doc.1-483/82/rev.) - 14 - PE 87.955

There is also scope for the Community, perhaps in conjunction with its development programmes, to provide certain advisory services and assistance to Third countries in human rights matters (for instance to a new regime which is in the process of reorganising its judicial and penal systems).

EUROPEAN POLITICAL COOPERATION

Members of the Working Group were pleased to note the very positive response by the President-in-office of the Foreign Ministers meeting in European Political Cooperation, Mr MERTES, in the debate on Parliament's first annual report on 17 May 1983. His speech strongly reaffirmed statements by a number of his predecessors as President-in-office that human rights are an essential aspect of international relations.

Certainly the Foreign Ministers of the Ten have sought on numerous occasions, through discreet channels and by public pronouncements, to raise human rights issues and cases. It is also apparent that the Ten have been able increasingly to take a common position on human rights matters at international fora such as the United Nations and the CSCE Review Conference.

However, members of the Working Group, do not believe that up to now the Foreign Ministers have been prepared to accord human rights matters the priority they merit. It is felt that human rights questions are too often peripheral items on the Foreign Ministers' agenda, that not enough attention is paid to human rights objectives in the formulation of policy, and that because of the need to reach a consensus, agreement on human rights issues is too often found at the level of the lowest common denominator.

It is the view of the Working Group that concerted efforts by the Ten, both publicly and through discreet channels, at both ministerial and ambassador level, could be made far more frequently, and, if pursued with sufficient vigour, often over a period of time, would bring more positive results than hitherto - particularly where individual cases are concerned.

As stated in last year's report, Parliament would wish for more information from the Foreign Ministers about how, when and at what level, representations are made, and to what extent these matters are followed up subsequently. Up to now such information has not been provided in any

detail either in response to parliamentary questions, or during the Political Affairs Committee's quarterly colloquies with the President-in-office. (The extent to which questions to the President-in-office on human rights dominate question time during plenary sessions gives an indication of Parliament's concern here.)

Members of the Working Group have therefore invited the Foreign Ministers to make proposals by September 1984 as to how the flow of information to Parliament could be improved. Possibly an internal memorandum could be submitted to the Political Affairs Committee in the context of the quarterly colloquies.

In addition, it would be of great value to Parliament if national foreign ministries, in the context of political cooperation, would be prepared to make available to Parliament information supplied by their embassies on human rights violations in various countries. (It is well known that the foreign ministries of certain Community countries do compile 'country reports', similar to those of the US State Department, though they are not published.)

Such information would be of help to Parliament in compiling any future annual reports. It will be recalled, in this connection, that the Political Affairs Committee originally requested the President-in-office to submit an annual report on human rights to Parliament along the lines of the State Department's report to Congress, but that this request was rejected. Members of the Working Group believe that this proposal would merit renewed consideration by the Foreign Ministers.

UNITED NATIONS

The members of the Working Group believe that one forum where concerted and persistent efforts by the Ten are of great importance, is the United Nations.

Although the UN human rights machinery has been much criticised and has proved a disappointment to many, the United Nations remains the world's foremost international organisation for discussion of human rights issues, and the most important standard-setting body.

It is regretted therefore that not all Community countries have ratified the various UN Conventions and Covenants on human rights. In its resolution last year Parliament clearly expressed its belief that the Ten's capacity for influence, and moral authority, at the United Nations would be enhanced if all Community countries were to ratify, in particular, the Covenant on Civil and Political rights, and its Optional Protocol, and the Covenant on Economic, Social and Cultural rights: Members of the Working Group feel that ratification of the Optional Protocol would be of particular significance in making the UN human rights system more meaningful to the ordinary citizen.

A binding commitment by all Community countries to these international instruments would seem essential if the Ten are to exert any significant influence in pressing for improvements in UN procedures for enforcement of, and compliance with, the provisions of the covenants by adherent countries.

Members of the Working Group feel that pressure for improvements of this nature should be a priority for the Ten at the UN since mere ratification of the UN covenants (though legally binding) is not of itself any guarantee of an increased commitment by governments to respect human rights.

The Working Group believe that other priorities for the Ten at the UN should be to press for the adoption of a Draft Convention on Torture, and the establishment of a High Commissioner for Human Rights, with the power to initiate direct contacts with governments.

While much of the work and the research undertaken by the various UN human rights bodies (for instance, the report on "summary and arbitrary executions" by Amos Wako, Special Rapporteur of the UN Commission on Human Rights, published in February 1983), deserves to be commended, it is a matter of great regret that at the UN human rights issues are frequently subordinate to political considerations.

The members of the Working Group do believe, however, that though at the formal level of its proceedings the United Nations may fall short of expectations, it does provide a valuable opportunity for informal lobbying on human rights matters which the Ten (or those members of Ten who are represented on a particular body) should exploit to the maximum.

CSCE

Developments at the Madrid follow-up meeting to the Conference on Security and Cooperation in Europe were among the prime concerns of Parliament's Political Affairs Committee and its Working Group on Human Rights during 1983.

The members of the Bureau of the Working Group on Human Rights travelled to Madrid on 10-13 March 1983 to represent the concerns of Parliament with respect to the implementation of the human rights provisions of the Helsinki Final Act. It was their impression that the Ten had done their utmost to develop and maintain a common position at the conference.

It was therefore a matter of great regret that a more satisfactory outcome was not achieved with respect to commitments to fully implement the provisions of Basket I, Principle 7, and Basket III, and that the East bloc countries would not permit any attempts to monitor application of these provisions. Clearly, these are points that the Ten must again pursue vigorously at next year's 'expert level' meeting on human rights in Ottawa.

Parliament continues to receive a large number of requests for help with reunification of families. Members of the Working Group were therefore particularly disappointed to find that the commitment to hold a meeting of experts on human contacts figured only in an annex to the Final Document in Madrid, seeming to suggest that this meeting, in Bern in mid-1980, does not have the same status or importance as other follow-up meetings.

ACTIVITIES OF PARLIAMENT'S WORKING GROUP

The Working Group on Human Rights was established in October 1980 by the Political Affairs Committee, in response to the rapid increase in Parliament's activities in the field of human rights. Its role has been principally that of an advisory body to the Political Affairs Committee, examining the growing number of human rights cases and issues being referred to the Political Committee, and, where appropriate, recommending that a particular course of action be taken.

The first annual report on human rights, was drawn up by members of the Working Group, which organised a public hearing in Brussels on 21 April 1983 in the course of preparing the report, and has also held closed

meetings and hearings with a number of individuals, delegations and representatives of outside bodies.

It is not for this report to give a detailed account of the activities of the Working Group (a three-year activity report was adopted by the Political Affairs Committee on 17 October 1983 and has been submitted to the Bureau of Parliament).

But members of the Working Group wished to restate their concern that far more could be achieved by the Community in the field of human rights, and not least by Parliament as an institution.

It is much regretted that since adoption of the first annual report, little has been done to establish the necessary structures within Parliament to pursue human rights matters as thoroughly as they deserve, and to properly process and evaluate all the documentation and information which is received. The Working Group has no permanent staff of its own, and therefore has not been able to develop its activities as envisaged. There is also a conspicuous absence of specialised human rights staff in other Community institutions.

It is hoped, therefore, that, following adoption of this report and on the basis of proposals made by the Political Affairs Committee to the Bureau, and on the basis of Parliament's resolution on the 1984 Budget⁽¹⁾, that the necessary measures will be taken as soon as possible to enable the Working Group to function more effectively and thus develop further Parliament's human rights activities.

⁽¹⁾ See paragraph 6 of Section I (Parliament) of the general budget of the European Communities for the financial year 1984

INTERNATIONAL COVENANTS ON HUMAN RIGHTS

The General Assembly of the UN by its resolution 2200 A (XXI) of 16 December 1966 adopted and opened for signature, ratification or accession, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights.

Both Covenants as well as the Optional Protocol entered into force in 1976.

List of member states which have signed, ratified or acceded
to the International Covenant on Economic, Social and
Cultural Rights

<u>State</u>	<u>Date of signature</u>	<u>Ratification or accession</u>
Belgium	10 December 1968	21 April 1983
Denmark	20 March 1968	6 January 1972
France	-	4 November 1980
Germany	9 October 1968	17 December 1973
Greece (1)	-	-
Ireland	1 October 1973	-
Italy	18 January 1967	15 September 1978
Luxembourg	26 November 1974	18 August 1983
Netherlands	25 June 1969	11 December 1978
United Kingdom	16 September 1968	20 May 1976

(1) Submitted to the Parliament for Ratification

