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DRAFT REPORT

on

POLICY ON HUMAN RIGHTS

Rapporteur: Knud NIELSEN

16 June 1977

'.... Human rights are as important to the life of a nation as economic well-being. They are not 'luxuries' only the rich can afford, but the basic entitlement of all people'.

(Amnesty International, Annual Report 1974/75)

1. It is not for the first time that we are to debate human rights at one of our meetings. We discussed them in Bogota in 1974; we debated them at length in Luxembourg in November 1975. Only a few months before his own kidnapping and brutal murder, the former President of the Uruguayan Parliament, Hector GUTIERREZ RUIZ, was adjuring us not to countenance the intolerable repression raging on the South American continent.

The Conference decided then that the question of political prisoners, of torture and of human rights should be placed on the agenda for the next Conference.

2. If we survey rapidly the events of the last few years, we see much to make us despondent, but also a few glimmers of hope.

In Europe, the Helsinki Conference opened up new possibilities for the upholding of fundamental rights. Nothing spectacular has been achieved, it is true, but never before has the problem of the dignity of man in all its aspects - public, private, economic and social - been posed in such clear terms before European public opinion.

A particularly encouraging development has been the fall, one by one, of the fascist dictatorships in Greece, Portugal and Spain which ushered in those countries democratization and a return to the rule of law.

Unfortunately, there have been no parallel developments in South America, where the economically most advanced countries have, one after the other, been forced by violent means to abandon their democratic systems and, with them, the protection of human rights.

With the election of President CARTER there has been a marked revival of the United States' sense of moral responsibility. The American Government has resolved to place the advancement of human rights at the centre of its foreign policy. As the American President observed, whatever the reactions which this policy may arouse, it is a fact that in 1977 no government can remain ignorant of the importance attached by the new American Administration to the observance of the rights of man.

3. We all know from experience that the end of parliamentary democracy opens the way to insecurity, violation of the laws and oppression. We are more particularly concerned by the systematic repression that is practised in all too many countries and which, in the form of kidnappings, summary executions and torture, seems to be especially characteristic of certain Latin American regimes. Torture is the great disgrace of our century. In its Report on Torture¹ Amnesty International writes:

'No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment' (Article 5, Universal Declaration of Human Rights).

'The country-by-country survey in this report indicates that many states in the world today deliberately use torture. Policemen, soldiers, doctors, scientists, judges, civil servants, politicians are involved in torture, whether in direct beating, examining victims, inventing new devices and techniques, sentencing prisoners on extorted false confessions, officially denying the existence of torture, or using torture as a means of maintaining their power. And torture is not simply an indigenous activity, it is international; foreign experts are sent from one country to another, schools of torture explain and demonstrate methods and modern torture equipment used in torture is exported from one country to another'².

4. Repressive regimes, of whatever nature and wherever they may be, rebut all condemnation or intervention by invoking the principle of non-interference in the internal affairs of sovereign states. We should most resolutely affirm that the time when such a doctrine might have seemed unassailable is over now. The sovereignty of a member of the international Community cannot be invoked against human rights which are natural or have been internationally recognized by the signatories of the Universal Declaration of Human Rights, that is by nearly the entire membership of the United Nations Organization.

¹ Amnesty International, 'Report on Torture', Duckworth in association with Amnesty International Publications, 1973

² At the time of writing your rapporteur learns that: 'Military leaders from Argentina, Bolivia, Brazil, Chile, Paraguay, Peru and Uruguay met secretly in May in Montevideo to discuss means of confronting President Carter's policy on human rights' (LE MONDE, 12-13 June 1977)

This is how President Carter put it in his speech before the United Nations Assembly:

'.... All the signatories of the UN Charter have pledged themselves to observe and to respect basis human rights. Thus, no member of the United Nations can claim that mistreatment of its citizens is solely its own business. Equally, no member can avoid its responsibility to review and to speak when torture or unwarranted deprivation occurs in any part of the world'

The American President was referring to international practice since 1945 which recognizes that the international rights of man imply not only an obligation to respect them but also the duty to intervene whenever this may be necessary.

5. It is in this context, and against the background of recent developments, that one part of the international community is now taking action to ensure that human rights become part of the political awareness of the nations and their leaders, to provide a broader and more secure bulwark than guarantees of individual and public freedoms represent.

The American Government, whose statements we quote frequently because it has imparted a new style to these matters, delivered last March to Congress reports which the latter had been requesting and which had been refused by Mr Carter's predecessors. They show that about two-thirds of the eighty two countries receiving American military aid failed to respect at least some human rights. As we know, Congress has made provision for the withdrawal of this aid in certain cases, and we also know the reaction of some of the countries concerned.

The American Secretary of State, Mr Cyrus VANCE, has given this definition of what his Government means by 'human rights':

'First, there is the right to be free from governmental violation of the integrity of the person. Such violations include torture; cruel, inhuman or degrading treatment or punishment; and arbitrary arrest or imprisonment. And they include denial of fair public trial, and invasion of the home.

Second, there is the right to the fulfilment of such vital needs as food, shelter, health care and education. We recognize that the fulfilment of this right will depend, in part, upon the stage of a nation's economic development. But we also know that this right can be violated by a government's action or inaction - for example, through corrupt official processes which divert resources to an elite at the expense of the needy, or through indifference to the plight of the poor.

Third, there is the right to enjoy civil and political liberties - freedom of thought; of religion; of assembly; freedom of speech; freedom of the press; freedom of movement both within and outside one's own country; freedom to take part in government.

Our policy is to promote all these rights. They are all recognized in the Universal Declaration of Human Rights, a basic document which the United States helped fashion and which the United Nations approved in 1948'.

6. As for the European Community, it has made progress in the protection of human rights not only within its frontiers, but also in the context of its external relations. Thus, quite recently, the European Parliament adopted a resolution in which it undertakes, 'in its own external relations and interparliamentary contacts, to bear in mind the question of human rights and fundamental freedoms'¹.

The European Parliament and the other institutions of the European Community have played a not inconsiderable part in preparing the way for the return of parliamentary democracy in Greece, Portugal and Spain. Quite recently they put the question of human rights before the EEC/ACP Consultative Assembly which agreed to debate the political problems relating to the rights of man insofar as they concern the entire world. As regards more especially the Latin American continent, the European Parliament has been demanding for a long time that the information office in Santiago, Chile, should be closed. On 27 May last the Commission finally decided in principle to transfer its Latin American representation to Caracas.

7. The United States Congress and the European Parliament have agreed to set up a Joint Working Group on Human Rights. This body is intended to act in various ways on behalf of victims of political oppression. The international non-governmental organization, Amnesty International, keeps very large numbers of parliamentarians informed of the atrocities that are committed and of the plight of many political prisoners. Amnesty International is a worldwide human rights movement which is independent of any government, political faction or religious creed; it has consultative status with the United Nations and other international and regional organizations. Its international secretariat is in London. The movement comprises some 30 national sections and has 100,000 members in about 60 countries. Prisoner-of-conscience adoption groups concern themselves simultaneously with a prisoner in a communist country, a prisoner in a capitalist country and a prisoner in a developing country, thus ensuring political impartiality in

¹ OJ No. C 133, 6.6.1977, p. 31

a practical way. Amnesty's influence can be seen daily in the press and is also exerted on the governments concerned. Very many prisoners of conscience owe their release to intervention by the movement. It is quoted as a model among humanitarian organizations to which democratic parliamentarians should give their fullest support.

8. It will be seen from the present report that a policy on human rights is now being defined, organized and actively pursued. It represents for us more than a hope: it is a real promise that we can leave behind sterile polemics without abandoning our single-minded rejection of that which is not tolerable, that we can transcend sentimental verbalism while upholding those profound convictions that we share with such a large part of humanity. From this new frontier we intend to muster all the available forces, to appeal to all men of goodwill, to ensure that the end of this century goes down in history as a period of universal re-awakening to the need to protect human rights and of resolute action by all those able to undertake it while there is still time.





