

~~EMBARGO~~ 26.1.78 at 17.30 hrs.

Speech by Mr. R. Burke, European Commission representative at the
joint meeting of the European Parliament and the Parliamentary
Assembly of the Council of Europe, Strasbourg
26 January 1978

It is a privilege for me, as a representative of the European Commission, to address this joint meeting of the European Parliament and of the Parliamentary Assembly of the Council of Europe. I particularly appreciate the opportunity ^{to speak} because of the very wide scope of representation of European opinion present here today, and because of the great importance of the subject matter which you have chosen for your debate. I should like to add that the excellent report prepared by Mr. SANTER and Mr. MACHETE have been studied with great interest in the Commission.

Respect for human rights is the very basis for the existence of our democratic, pluralistic societies, and constitutes the common denominator of the countries represented here today as well as certain like-minded states whose number, unfortunately, does not seem to be on the increase, except perhaps here in Europe where, as Mr. MACHETE points out, the Council of Europe now with Spain comprises 20 democracies.

Hence, perhaps, the growing awareness that it is not enough to ensure that human rights are respected within our own frontiers : their respect on a wider, global scale is probably the only way to avoid future international conflicts, not to speak of the intrinsic merit of ensuring a more decent life for the inhabitants of those countries where even the most basic rights are disregarded.

.../..

But what are these basic rights? We could probably all agree with Mr. SANTER when he cites the right to life, not to be subject to torture, to equality before the law and to freedom from imprisonment without trial. I would myself add to the freedom from torture - cited by Mr. Santer - the freedom from inhuman and degrading treatment, now that the European Court has offered a distinction between the two things. These are essentially civil and political rights, respected by the Member States of the Council of Europe and of the European Community. And in those cases, fortunately rare, where they are not respected we have an appropriate machinery to deal with such violations, either within the framework of the national legislation of our Member States, or within the Council of Europe, or before the Court of Justice of the European Communities. Let me add that our experience in the European Community of direct, individual recourse to a supranational judiciary like the one we have in Luxembourg has proven to be very useful from the point of view of protecting human rights. It might also be appropriate, as MR. JENKINS pointed out in his speech to the Committee of Ministers of the Council of Europe in November last year, to imitate this example within the wider framework of the Council of Europe.

But our countries are also fortunate in respect of the protection of human rights other than civil and political, i.e. economic and social rights. In spite of the impact of the crisis which has slowed down growth and created heavy unemployment especially in certain disadvantaged regions, our countries, en bloc, are incomparably more fortunate as concerns the protection of economic and social rights than most other countries in the world.

The reason why I labour this point slightly is quite simple: although we all here recognise a basic, hard core of human rights we must not overlook that other rights, including the basic rights to physical survival, absence of hunger and disease, are as important and urgent to perhaps a majority of the inhabitants of this world. We must therefore be very careful not to take any action which, while perhaps remedying one evil, were to create or perpetuate another.

The attitude adopted by the European Community in favour of the protection of human rights has, I think, been morally sound and logically consistent. In our relations with the countries of the third world we have made and continue to make considerable efforts to further their economic and social development, and this in spite of the difficulties created for our own economies in various sectors due to competition from low-wage imports or because of the sheer burden of keeping up an important volume of aid and credits. The Lomé Convention, to which more than 50 African, Caribbean and Pacific countries are now parties along with the Community, is a unique example in history of a developed group of countries cooperating with developing countries, and we certainly hope to continue this experience in the years to come. The Community and its Member States of course also contribute towards the improvement of economic and social conditions in many other developing countries. It is my considered opinion that these efforts constitute a major contribution towards the protection of the economic and social human rights of the populations of the countries concerned, and that the Community and its Member States have reason to be proud thereof.

Let me turn now to our efforts in defence of civil and political rights in other countries. As suggested a moment ago, an increased respect for such rights is a prerequisite for a peaceful world, or at least for a decrease of tension and a lessening of the risk of conflict. This is one of the reasons why the Community and its Member States, along with like-minded countries, insisted on the inclusion of the human rights "basket" in the Final Act of the Conference on Security and Cooperation in Europe concluded in Helsinki in 1975. This is also why so much insistence has been ~~put~~ laid on the respect of these engagements during the current Belgrade Conference. A different example is that of the Code of Conduct for European Companies operating in South Africa which is aimed against the shameful institution of Apartheid. This Code was adopted by the Nine Member States of the Community in 1977, and it is now being regarded as a model to be followed by many other countries.

.../..

Other efforts have been made by our countries, acting individually or collectively, in the context of their relations with other third countries.

I am happy to say that the cooperation between the Member States of the Community in this respect is becoming increasingly close, and that the Community is speaking to an ever greater extent with one voice, be it in the United Nations on topics like Apartheid, or in the context of bilateral contacts with certain third countries. This builds up international recognition of the Community as a political and moral force. I believe that, if skilfully used such efforts can induce at least some countries to mend their ways, and this without having recourse to drastic measures on the economic level which, in the case of the developing countries, cannot but harm the standard of living of the local population which may already be living on the edge of the subsistence level.

Let me add in this context that I agree with Mr. MACHETE when he emphasises that the denunciation of human rights violations do not amount to interference in the internal affairs of other countries. Our countries have taken this stand at the Conference on Security and Cooperation in Europe. There is no reason not to apply this point of view to our relations with other countries, provided of course that our interventions are made in a non-offensive manner, as we have always attempted to do.

The efforts made by the Nine in the United Nations and elsewhere in defence of human rights have often been supported by other Members of the Council of Europe. It is perhaps a truism to say that the whole is sometimes greater than the sum of its parts, but it seems evident that the chances of success of our action can only be enhanced by an even greater degree of cooperation in this vital sphere between the Members of the Community and the other Members of the Council of Europe. I hope that your debate here today will contribute towards this goal.

.../..

By way of conclusion, I should like to insist on this: our Community of nations must have no complacency with violations of human rights whether they occur inside or outside our own borders. But I would also like to underline this remark in respect of violations inside Western Europe: we have a duty to ensure, as a matter of priority, that human rights are respected within our own region. And as the elected representatives of your nations, Parliamentarians here present have a particular role to play in this context. The success of our action in favour of a greater degree of respect for human rights in third countries depends on the fulfilment of this basic, moral obligation here, at home. If we can continue to show other countries the image of a society where human rights are preserved and safeguarded, we will set them an example much more effective than many diplomatic interventions. But if, on the other hand, we are tempted by political circumstances, or by the exigencies of an extreme security problem, to resort to the abuse of prisoners' rights, whether that abuse amounts to torture, or to inhuman and degrading treatment, or merely what is called "interrogation in depth," then with each violation we shall lose a little more of our authority to influence third countries.

Finally, I should like to say that the Commission is also in fundamental agreement with those who condemn violations of human rights in other countries wherever they may occur and that it will persist in attempting to intervene against such violations.
