

TWENTY-THIRD JOINT MEETING

of the Members of

THE PARLIAMENTARY ASSEMBLY

OF THE COUNCIL OF EUROPE

and the Members of

THE EUROPEAN PARLIAMENT

(STRASBOURG, 26 JANUARY 1978)

---

*OFFICIAL REPORT OF DEBATES*

STRASBOURG



TWENTY-THIRD JOINT MEETING

of the Members of

THE PARLIAMENTARY ASSEMBLY

OF THE COUNCIL OF EUROPE

and the Members of

THE EUROPEAN PARLIAMENT

(STRASBOURG, 26 JANUARY 1978)



*OFFICIAL REPORT OF DEBATES*

STRASBOURG

## NOTE

This edition contains the original texts of the English speeches and translations of those delivered in other languages.

The latter are denoted by letters as follows :

(*D*) = speech delivered in German.

(*F*) = speech delivered in French.

(*I*) = speech delivered in Italian.

(*NL*) = speech delivered in Dutch.

The original texts of these speeches will be found in the separate editions published for each language.

## CONTENTS

Meeting of Thursday, 26 January 1978

1. <i>Opening of the Joint Meeting</i> .....	7
2. <i>Human rights in the world</i> .....	9
<i>Mr Santer, rapporteur of the European Parliament</i> ..	9
<i>Mr Machete, rapporteur of the Parliamentary Assembly of the Council of Europe</i> .....	18
<i>Sir Geoffrey de Freitas, PE (Soc.)</i> .....	23
<i>Mr de Koster, PA (Netherlands — Lib.)</i> .....	25
<i>Mr Scelba, EP (C-D)</i> .....	28
<i>Mr Bertrand, EP (C-D)</i> .....	32
<i>Mr Bournias, PA (Greece — ND)</i> .....	36
<i>Mr Radoux, EP (Soc.)</i> .....	38
<i>Mr G. Müller, PA (FRG — CDU-CSU)</i> .....	40
<i>Mr Burke, Member of the Commission of the European Communities</i> .....	43
<i>Mr Lewis, PA (UK — Lab.)</i> .....	48
<i>Mr Calamandrei, PA (Italy — Com.)</i> .....	49
<i>Mr Coutsocheras, PA (Greece — P.A.SO.K)</i> .....	51
<i>Mr Urwin, PA (UK — Lab.)</i> .....	54

<i>Mr Scholten, PA</i> (Netherlands — <i>Lib.</i> ) .....	57
<i>Mr Aano, PA</i> (Norway — <i>Chr. pop.</i> ) .....	60
<i>Mrs Squarcialupi, EP</i> ( <i>Com.</i> ) .....	63
<i>Mr Reddemann, PA</i> (FRG — <i>CDU-CSU</i> ) .....	65
<i>Mr Prescott, EP</i> ( <i>Soc.</i> ) .....	66
<i>Mr de Marco, PA</i> (Malta — <i>Nat.</i> ) .....	69
<i>Mr Périquier, PA</i> (France — <i>Soc.</i> ) .....	72
<i>Mr Ryan, EP</i> ( <i>C-D</i> ) .....	74
<i>Mr Romano, PA</i> (Italy — <i>Sin. ind.</i> ) .....	77
<i>Mr Johnston, EP</i> ( <i>Lib.</i> ) .....	79
<i>Mr Lewis, PA</i> (UK — <i>Lab.</i> ) .....	81
<i>Mr Dejardin, PA</i> (Belgium — <i>Soc.</i> ) .....	82
<i>Mr Rivière, PA</i> (France — <i>RPR</i> ) .....	84
<i>Mr Brugnon, PA</i> (France — <i>PSRG</i> ) .....	87
<i>Mr Luptowits, PA</i> (Austria — <i>SPO</i> ) .....	89
<i>Mr Mende, PA</i> (FRG — <i>CDU-CSU</i> ) .....	92
<i>Sir Geoffrey de Freitas, PE</i> ( <i>Soc.</i> ) .....	92
<i>Mr Machete, rapporteur</i> .....	93
3. <i>Closure of the Joint Meeting</i> .....	95

SITTING OF THURSDAY,  
26 JANUARY 1978

---

**IN THE CHAIR : MR COLOMBO**  
**President of the European Parliament**

*(The meeting opened at 3 p.m.)*

***1. Opening of the Joint Meeting***

**President.** — *(I)* I declare the 23rd Joint Meeting of the Members of the Parliamentary Assembly of the Council of Europe and the Members of the European Parliament open.

I am happy, on behalf of the Assembly I have the honour to preside over, to welcome our colleagues of the Council of Europe and especially President Czernetz and I am very pleased that the elected representatives of the Portuguese and Spanish peoples are taking part in our debates for the first time.

I would also like to express my satisfaction over the fact that the Commission of the European Community will not be

absent from this traditional gathering of the two Assemblies. Commissioner Burke has in fact assured me that he will be with us and will be able to speak at a later stage in the debate.

The subject of our discussions is human rights in the world and has been chosen by mutual agreement between the interested parties in accordance with the procedure jointly laid down by the offices of the Presidents of both Assemblies. If I may be allowed to say so, this is a particularly happy choice at the time of the thirtieth anniversary of the Universal Declaration of Human Rights.

The dignity and freedom of mankind are for us Europeans essential elements of the common good since the whole of our spiritual, historical and judicial tradition recognizes that the individual is of fundamental importance to the organization of society. Our attachment to these principles pledges us to act with determination to safeguard human rights and condemn every violation of fundamental freedoms.

Our rapporteurs, Mr Machete and Mr Santer, have done some careful preparatory work for which I, from the Chair, would like to express our deep appreciation. Although they have been prepared on the sole responsibility of their authors, the two documents they have submitted give us all the information and food for thought needed for a fruitful debate.

Mr Machete's working paper is a detailed examination of the entire subject of human rights throughout the world and lays special emphasis on the topical nature of this problem. Mr Santer has devoted special attention to the action taken in this connection, in the field for which he is responsible, by the European Economic Community and has stressed the fundamental role that falls to the Parliamentary Assemblies in safeguarding human rights.

I am certain that the excellent work done by both these rapporteurs will enable us to have a fruitful and constructive discussion.



I would ask those representatives who wish to speak to enter their names on the list of speakers here on the table of the President or in Office No 1079.

In the Parliamentary Assembly of the Council of Europe it is usual to restrict the time allowed each speaker to seven minutes apart from the two rapporteurs and the spokesmen of the political groups who normally have fourteen minutes.

I think it would be advisable to apply the same rules to this meeting.

Are there any objections ?

That is agreed.

## ***2. Human rights in the world***

**President.** — I call Mr Santer.

**Mr Santer, rapporteur of the European Parliament.** — (F) Mr President, it is appropriate that, in 1978, the traditional joint meeting of the Council of Europe Assembly and the European Parliament should take place with human rights as its sign manual.

Thirty years after the signature of the United Nations Declaration of Human Rights on 10 December 1948, and 25 years after the entry into force of the European Convention on Human Rights, we have good reason today to celebrate that 30th anniversary and even better reason to thank the founders of the Council of Europe for their perspicacity. They understood the immense help international legal supervision of infringements of human rights could be, of which in the last resort individuals from any European country could avail themselves.

To the Council of Europe Parliamentary Assembly, one of whose aims, if not its main aim, is the safeguarding and extension of human rights and fundamental freedoms, the European Parliament may seem to play a somewhat limited part in that field. That is why I feel I must seize the present opportunity, as a member of the European Parliament, to pay sincere tribute to the continuing part the Council of Europe Assembly has played in safeguarding, protecting and extending human rights.

Obviously, as a member of the European Parliament, I shall deal more particularly in the introductory report to the general debate with the action taken by the various Community institutions, thereby to arrive at some practical conclusions.

Neither the Treaty establishing the European Coal and Steel Community nor the Treaty of Rome establishing the European Economic Community seem on first sight to be much concerned with human rights. The preamble to the Rome Treaty cites the desire for economic and social progress, the improvement of living and working conditions, and the preservation and strengthening of peace and freedom in accordance with the principles of the United Nations Charter, as reason for the establishment of the Community.

In practice, however, the fundamental rights of Community citizens are legally guaranteed. On a number of occasions the European Court of Justice in Luxembourg has stated that fundamental rights form an integral part of the general principles of law, of which it ensures the observance, and in safeguarding which it is bound to draw inspiration from the constitutional traditions common to the Member States.

The Court has stated that international treaties for the protection of human rights, on which the Member States have collaborated or of which they are signatories, can supply guidelines which should be followed within the framework of Community law.

In this context, the European Parliament confirmed that

both written and unwritten sources must be considered in the protection of fundamental rights throughout the Community.

In addition, the European Parliament solemnly reaffirmed that, in matters governed by the Treaties, observance of the primacy of Community law over the domestic law of Member States is a condition for the uniform application of Community law, and thus constitutes a guarantee of the equality of the citizens of Community Member States before Community law.

Under the terms of the Treaty, the Court of Justice of the European Communities is the sole arbiter of the legality of what the Council and the Commission do. The Court's decisions have been more integrationist in practical effect than the activities of the other Community institutions. The Court recognizes that the European Commission and Court of Human Rights are the interpreters of the European Convention to which the Court of Justice conforms. The two institutions work in liaison to help in the mutual understanding of the different but associated bodies of law.

As for the European Parliament, it has largely taken responsibility for the political supervision of fundamental rights.

Though it is not yet a directly elected assembly, it has in practice maintained a watchful and critical eye over the activities of the Community, the Council and the Member States where these might threaten human rights. It has done this since the earliest days of the Rome Treaty, but has been seized of human rights issues more often within the last seven years or so.

There have been several debates latterly in the Parliament, one on what are known as special rights and another on the need for drafting a charter of rights for the peoples of the European Community. Most recently, the Parliament re-emphasized this need in the context of European Union, whatever form that might take.

The Parliament has also been approached by individual

Community citizens through petitions and letters, and through its members raising problems, asking questions or initiating debates. In a recent case an appeal through a resolution of the European Parliament was followed by the release shortly afterwards of an individual who appeared to have been arrested for political rather than criminal reasons. A growing number of petitions are being addressed to the European Parliament by Community citizens, often on matters for which the Community is not primarily responsible. Recently a petition from a citizen of the German Democratic Republic was sent to the Council of Ministers so that it could be forwarded to the appropriate authorities at the Belgrade Conference, and be discussed there.

Following pressure by the European Parliament, a Joint Declaration on Human Rights was signed by the Council, the Commission and the Parliament itself which expressed the Community's political will to safeguard human rights within the Community. The brief text of the Declaration emphasized that the institutions attached prime importance to respect for fundamental rights, and that in the exercise of their powers and in pursuit of the aims of the European Communities they respected and would continue to respect those rights, as set out in the European Convention on Human Rights.

The main action by Parliament has consisted in initiating a number of debates in plenary session or in committee or in both, in asking a great many questions, and in adopting resolutions on the position of human rights in the world in general and in certain countries in particular.

In all this Parliament is only too aware of the limits to its powers. In this area it has the power of supervision and the ability to put forward opinions. As yet it has no legislative power, not even the ability to refuse to ratify agreements between the EEC and other countries, even though such agreements may have direct or indirect financial implications for the Community.

Certain other initiatives have been taken by the Parliament which have had small but practical results. Since 1972, the

European Parliament has had regular meetings with members of the United States Congress, alternately in the United States and in Europe. A joint working party on human rights was set up within the context of relations with the United States, and the need was agreed for parallel or joint resolutions to the two parliaments on infringements of human rights where necessary, and for joint study missions to countries where human rights were under threat. Public hearings with the participation of both parliaments could also be arranged.

Similar action took place in cooperation with Latin America. The Final Act of the conference held in Mexico in 1977 called for the establishment of a joint working party.

These initiatives, particularly the latter, have the added advantage of taking place in conjunction with parliamentarians from the interested countries in that area, with a level of publicity rarely achieved by such conferences when held in Europe often with the participation of individuals who are or have been the direct victims of an infringement of human rights. They demonstrate, as do the joint European Parliament-United States Congress initiatives, that there is within parliamentary democracies a broad consensus as to the value of fundamental rights to mankind. The help of Amnesty International and other non-governmental human rights organizations, has been and continues to be, most valuable to the Parliament in its work.

I want now to point out the part the Commission can play in protecting human rights. Mr Haferkamp, one of our Vice-Presidents, quite rightly criticized general resolutions that were not followed by concrete steps. He asked the Parliament to consider three possible courses of action : first, taking human rights into account in the Community's policy on agreements ; then, taking human rights into account in unilateral foreign trade and aid measures ; and finally support for humanitarian organizations working for the implementation of human rights.

But up to now the Commission has merely expressed its concern about the infringement of human rights whenever it

occurs, and has condemned such practices. It has always pointed out that there is no worldwide ready-made solution to this problem, and that therefore each case should be dealt with individually. It is felt that unity of views and actions by the nine Members States as part of political cooperation—strictly speaking, outside the framework of the Treaty—can help to promote the protection of human rights throughout the world. The Commission can perhaps be blamed for not having paid sufficient attention to the possible alternatives. If the type of trade or aid or the form of relations had been more clearly defined, it would have been possible to find some strategy for including human rights in external relations policy.

The Council, too, has on several occasions, voiced its concern for the protection of human rights.

The Council and Foreign Affairs Ministers, meeting in political cooperation, affirmed that the Community attached great importance to the protection of fundamental rights, citing the recently signed Joint Declaration in evidence. Within the framework of political cooperation, the Nine had recognized the principle of respect for human rights as a fundamental part of the European identity. Regular consultations were held on the tactics and substance of their approach at the United Nations, at the Conference on Security and Cooperation in Europe, to other multinational bodies, and in bilateral relations. The good work of the non-governmental organizations was also recognized.

The Council also emphasized the use of diplomatic channels to exert influence when and where necessary. While reserving the right to criticize the relative ineffectiveness of the United Nations in alleviating infringements of human rights, it advised caution, particularly in regard to the Conference on Security and Cooperation in Europe where, although the review of the implementation of the Final Act should be complete and frank, polemics and confrontation should be avoided so that détente and human rights in Europe might not suffer.

Certainly, the European Community as such has shown its

unity and common purpose at the Belgrade Conference. There has been close cooperation between the Member States, the Council and the Commission. The fragile balance between protection of human rights and increasing détente between the Eastern European countries and the West has so far been maintained.

The Council or the Foreign Affairs Ministers meeting in political cooperation also adopted a common attitude to apartheid at the United Nations Conference on Apartheid in Lagos. They adopted a code of conduct for European companies with links in South Africa aimed at inducing South African branches of European firms not to discriminate between their employees and at encouraging them, so far as possible, to make the conditions of migrant workers in South Africa more bearable. Finally, the Council's common stand against acts of terrorism within the Community and the practical measures proposed by the Ministers of Transport are examples of how the Council has solved the problem of balancing freedom of political action with absence of restrictions on the rights of a lawyer under arrest.

With all that in mind, I shall now turn to what can be done in future.

First and foremost, I think the existing machinery for political cooperation should be extended. At the United Nations, the Nine have been able to present a more or less united front when voting. But when it comes to the most important questions, sometimes involving human rights, there is not sufficient consensus. Without that, how can third countries take seriously the claim that there is a basic unity of view among the Member States, particularly on human rights? Furthermore, the Parliament must receive regular public reports on such issues. The very fact of having to report may induce some Member States to achieve the aim of consensus, which has so far eluded them.

The major international issues in South Africa, on which up to now the Nine have succeeded to a large extent in reaching agreement, will continue to require a firm and united front.

At the Belgrade Conference on Security and Cooperation in Europe where the Community is represented as such, the EEC should continue to press for a continuation of the dialogue. I want also to say that we might learn from the experience of the United States Congress here, and set up a trilateral working party, Parliament-Council-Commission, to keep under review the implementation of the Helsinki Final Act in so far as it affects the Community as such, and to ensure that future political agreements are increasingly based on that Act.

Greater use could be made of diplomatic channels to influence other governments to pay greater attention to the principles they theoretically espouse.

In addition to political cooperation, the European Community could lay greater stress on human rights in their formal relations with other countries. The most obvious foreseeable challenge—which is now being taken up—is the coming enlargement of the Community to include Greece, Portugal and Spain. The negotiations on the Treaty of Accession will, in my view, provide a unique and spectacular opportunity of revising the already existing treaties to include a charter of citizens' rights. The democratic declaration that is so far being discussed, while fulfilling certain needs, does not exploit the opportunity to an adequate extent.

The forthcoming negotiations between the EEC and Comecon will provide another opportunity where in some form the dialogue on human rights can be stepped up. I readily recognize that a move away from détente may increase the threat to all fundamental rights by bringing the risk of disaster closer. Yet I feel that to disregard the fundamental importance of the basic principles of Western democracy in dealings with countries which do not respect many such principles is also unthinkable. It is possible both to increase détente and to strengthen respect for principles to which all the nations of the world subscribe. The forthcoming negotiations to renew the Lomé Convention will provide a further opportunity.



This necessarily brief and incomplete review of the European Community's role in protecting human rights has inevitably simplified the problems. First, fundamental rights are interdependent ; they even on occasion conflict. Political and civil rights cannot be safeguarded independently of economic, social and cultural rights. Secondly, action to protect fundamental rights throughout the world and particularly in Europe jeopardizes the very sensitive balance between the move towards détente and respect for human rights. Thirdly, Europe must be sufficiently realistic to recognize that it is dependent on trade for its well being and for the standard of living of its people.

Intervention on behalf of human rights should not have any dramatic effect on the growth of world trade because trade can provide society with the necessary economic resources. But what about non-essential trade, such as the arms trade, the transfer of nuclear technology—a trade which has far-reaching moral implications ? Could not a specific link be forged between respect for human rights and the promotion of that kind of trade ?

I realize that the same rights are not regarded as of the same importance in all parts of the world. But all the same there is, in principle, a considerable amount of agreement on certain fundamental rights : the right not to be tortured ; the right to life ; the right not to be imprisoned for one's political convictions, for example.

In conclusion, I want to emphasize the following points :

Up to now, the action taken by the Council of Europe, by the Commission and the European Court of Human Rights and by the European Community have certainly been crowned with success. Greater efforts towards cooperation must still be made. The non-governmental organizations concerned with human rights have played and should be encouraged to play an important part in this field in order to protect human rights in Europe and the rest of the world.

The parliamentary assemblies should play a crucial part in protecting human rights.

The participants in the Conference of Presidents of Parliamentary Assemblies held in Vienna in June 1977 declared that parliamentary democracy alone could provide a basis for any future European Union, and that such a union should therefore be open to access by all European countries willing and able to join in mutually agreed conditions.

During the next decade, the European Community will be faced with at least two crucial events: direct elections and further enlargement. It should use these opportunities to accord its own citizens Community rights, to incorporate the protection of fundamental rights in the treaties and to draw up a charter of such rights.

Finally, through the civil power its trade admittedly confers upon it in its relations with other countries, the European Community should exert some influence in support of freedom and democracy.

I want to end by quoting something said by my colleague, Mr Scelba:

'By taking positive measures to defend human rights, civil, political and social, the European Community will not only be remaining true to its tenets, but, by showing that it has a human face will also become the focus for all those independent spirits who are seeking a valid alternative to the regimes that oppress them'.

**President.** — I call Mr Machete to introduce his report.

**Mr Machete**, *rapporteur of the Parliamentary Assembly of the Council of Europe.* — (F) Mr Chairman, ladies and gentlemen, in introducing my report, may I say how honoured I feel to be able to speak at this meeting and on this subject.

For me, as a Portuguese, whose country has only recently escaped from dictatorship, it is very moving to be able here in this meeting to discuss the problem of human rights and to

contribute to the common effort to strengthen the policy of rights and fundamental freedoms. In countries where freedom has been wiped out we realize the immense importance of declarations of rights and feel particularly strongly that such declarations should not be more or less abstract legal texts, but living realities of daily life.

I also want to pay tribute to our good colleague, Mr Auber, my predecessor in this task, whose help in preparing and producing the present report has been so valuable.

1978 is Human Rights Year, the 30th anniversary of the signing of the United Nations Universal Declaration of Human Rights and the 25th anniversary of the entry into force of the European Convention on Human Rights. It is a good moment for relaunching the campaign for a more humane society and for reaffirming the immense importance of human rights, whatever the political system may be and whatever ideology is professed. I want to emphasize how important it is that this debate is taking place just in a joint meeting of the European Parliament and the Council of Europe Parliamentary Assembly. That shows in a particularly striking fashion that Europe has one single policy on human rights and that in democratic Europe there are no divisions on that vital subject.

I would also like to say that, for my part, one of the most significant aspects of this development in international public law is exactly that, since the Second World War, the human rights problem has become of such importance, first through the United Nations Universal Declaration of Human Rights, then, at regional level, through the European Convention on Human Rights, and through the United Nations agreements on political and civil, and on economic, social and cultural rights, and the Helsinki Conference, that it is making man the very focal point of international law and ensuring him greater protection, a protection which, alas, is sometimes lacking in certain countries.

We all know that the meaning of human rights, even of fundamental rights, differs according to the political and social

system. That is quite natural, but what is not natural is that some political regimes use that fact to deny human rights, or at any rate to diminish them quite unacceptably.

Fortunately, in Europe we have sufficiently developed instruments—the European Convention on Human Rights and, where social rights are concerned, the European Social Charter—to provide an effective guarantee for human rights. The European Convention, above all, already possesses more effective legal instruments for the protection of human rights and is the first and most remarkable example of what international protection of human rights can mean when everyone can appeal to an international court if his rights are infringed.

But even in Europe more progress is certainly needed. One of the most important points is undoubtedly to extend the field of application of the European Convention on Human Rights where social rights are concerned, bearing in mind, however, that the rights known in legal terminology as social rights require positive action by the State and cannot and must not, therefore, weaken the effectiveness and the quite special character of the Convention on Human Rights, that is the legal protection of those rights.

The signature on 24 November 1977 by eight Council of Europe Member States of a convention to help migrant workers, shows that the Council's member countries have no intention of allowing their action to protect fundamental rights to come to a stop. On the contrary, they are concerned to advance such protection for the weakest, for those who naturally need such protection most.

In the peoples' democracies, as we all know, the Leninist attitude holds good, namely that fundamental rights as understood in the West, as laid down by the French Revolution and other declarations written into various constitutions, are essentially formal rights, class rights. That concept has been used in particular in conjunction with the idea that, in no circumstances, must the principle of non-intervention in the internal affairs of

a state be infringed, or to prevent an appraisal of the way in which fundamental rights are observed in those countries.

One of the most important results of the way in which international politics are evolving—especially of the Helsinki Conference—is that, while a policy of détente is being pursued, a basic nucleus of freedoms and human rights is beginning to be recognized which may not be called in question whatever the regime and whatever the ideology. I think this meeting should adopt a clear attitude on that.

I would add that it is all to the credit of Eurocommunism that it admits that such freedoms can no longer be questioned on the excuse that they are purely formal.

So far as the Third World is concerned, one of the most important developments in human rights policy is the realization that the antithesis between the right to freedom and the right to eat is a false one, that certain rights may not be challenged, and that the development of these countries was prejudiced by putting development before freedom. Experience shows that certain minorities used that to put their own interest before the interests of the people.

This means that however many meanings can be given to human rights, the content of some of those rights can never be denied. Human dignity can have only one meaning. That proves that the wonderful idea of State sovereignty as defined in the German doctrine of *jus publicis* in the eighteenth century has its limits, particularly when it clashes with the basic problem of protecting human rights.

I am quite aware, and I said so just now, that all this makes State diplomacy very difficult. I know, for example, that President Carter's diplomatic offensive on behalf of human rights was suspected of being a weapon of political propaganda, but whatever the merits of that policy, it is worth while pointing out that for the first time it is admitted as natural that protection of human rights is one of the pillars of international diplomacy.

Europe, which has already produced fairly advanced instruments, should play a vital part in strengthening the international instruments for protecting human rights and in particular those of the European institutions. It can and should bring up to standard the instruments of the Convention on Human Rights as well as, among others, those which will supervise the application of some of the social rights contained in the Social Charter.

Most important of all, the European countries must assume common responsibility for human rights. In particular, it is not enough just to extend, within Europe itself, the field of application of the European Convention on Human Rights in the economic and social field, to improve or revise certain sections of the Social Charter, in particular where the supervisory machinery is concerned, to pay special attention—a start has already been made with this—to the rights of migrant workers, to make the signature of the European Convention on Human Rights a *de jure* requirement for joining the Council of Europe and the European Community and to insist that every signatory state shall recognize the individual right of appeal to the Human Rights Commission and Court. The European countries must also have a common policy towards third countries in the sense required by the statement of moral principles and the real influence the European countries can exert from the economic point of view to make third countries respect and develop human rights effectively within their own borders.

To conclude this brief introduction, I also want to say this. Fine words are spoken about human rights. Fine ideas were written into the Universal Declaration of Human Rights and the European Convention on Human Rights. But unless the essential effort is constantly made in the Council of Europe, in the European Parliament and in our national parliaments every time there is a possibility of adding to the understanding of what human rights mean in daily life, no substantial progress will ever be made.

Fine words will get us nowhere, important though they be. They have to be applied to our political life, to our daily lives,

if there is to be a genuine chance of human rights at last coming to mean the right to life and happiness.

**President.** — I now call the spokesmen of the political groups. I call Sir Geoffrey de Freitas to speak on behalf of the Socialist Group.

**Sir Geoffrey de Freitas.** — The number of speakers is very great and I am pleased that there is such interest in this subject. I congratulate Mr Santer and Mr Machete on introducing such an important debate.

I shall concentrate on two points which the European Parliament's Development Committee and the Socialist Group have pressed in our Parliament.

First, human rights in countries with which we, through our European Community institutions, have some link—the European countries with which we have association agreements and the Lomé countries. Second, the possible development of concern for human rights through increasing political cooperation between the governments of our Community.

I begin by considering the European Community and its treaty with the Lomé countries and as an example of our experience I shall use Uganda as an illustration. I was working in Kenya when it became independent in 1963. Uganda is next door to Kenya. I have always taken a great deal of interest in East African countries and I have read with horror of the kind of barbarous behaviour by Amin. I am often asked what the Commonwealth has done for human rights in Uganda. The answer is very little, but I shall refer in a moment to the Council's judgement on this point. However, in this debate it is more relevant to ask what the European Parliament has achieved.

Mr Santer reminds us that the Lomé Convention expires in March 1980 and that under Article 91 negotiations must be started by 1 September this year. In March last year in the European Parliament I asked the Commission if, in renegotiating the

Lomé Convention, it would try to include in it the observance of human rights. The Commission could not give that undertaking unless it was asked to do so by the Council. Therefore, in May I followed this up with a question to the Council.

The President in Office, Mr Simonet, dealt with this in July this year, and in an answer to a supplementary question by my colleague, Mr Prescott. He said that :

‘The Council agrees that, when drawing up the next aid agreement, a certain number of principles will be laid down with a view to making recognition of human rights a condition of aid.’

Mr Simonet went on to point out that the Council’s decision had been made easier by the attitude adopted by certain black African countries when they attended the meeting of the Commonwealth Heads of Government a month before. The final declaration of the Lomé meeting at Lesotho in November 1977 included a demand that the new convention should refer in appropriate form to ‘respect for human rights and fundamental freedoms’. I hope that my colleague, Mr Prescott, who was there, will have a chance to develop this point. Notice has been served on the Lomé states that only by respecting human rights can they hope after 1980 to have the undoubted economic advantages of membership.

I mentioned earlier our duties under the association agreements entered into by the Community. Each of these contains in the preamble a reference to the basic principles of the Community—to human rights. It applied to Greece, for example, and I am glad to be sitting next to a Greek member of this Assembly. In 1970, following pressure by the European Parliament, the Council used this provision in the association agreement with Greece to freeze the agreement because of the systematic flouting of human rights by the colonels.

This Parliamentary Assembly had demanded that Greece should be expelled from the Council of Europe. I remember this well, as I was in this Assembly at that time. But the colonels



withdrew from the Council of Europe before they could be expelled. We were hunting them down, but the colonels shot the fox.

At the beginning of my speech I referred to the possible development of concern for human rights through political cooperation between the Governments of the nine countries. Mr Santer sets out the action to be taken by the Community and proposes the extension of our Governments working together within the current machinery of political cooperation. This political cooperation is one of the recent developments of the Nine.

This issue of human rights is a big challenge to us. Can we, together with organizations such as Amnesty International, organize world opinion in order to show that the Western democracies really mean business? The Community and the Council of Europe have great opportunities for influencing other countries through the United Nations, the European Security Conference, the Lomé Convention, trade negotiations, political cooperation and diplomatic contacts. I am convinced that we in Europe can give a real lead to the cause of human rights. None of us should rest until basic human rights are guaranteed for all mankind. But we must begin by working in those countries with which we are linked by treaty. In these countries we have a right—indeed a duty—to speak out loud and clear.

*(Applause)*

**President.** — I call Mr de Koster to speak on behalf of the Liberal Group.

**Mr de Koster.** — It is not without emotion that I received the green light to speak, because you, Mr President, and I have so many memories of trying to create one Europe.

European nations are not the outcome of capricious human choice. None was designed as such. They emerged. They are the outcome of human choice of parliamentary democracy. Twenty

European nations have combined political and spiritual forces in the Council of Europe, nine of which are also members of the EEC. The Twenty and the Nine deal with many comparable problems, and it is evident that work is being duplicated. Duplication of work may be bad in general terms. We know that international concern about human rights is an essential element which must be pushed into the mainstream of international affairs. In this area we need close cooperation with all branches of knowledge and learning to align international pressures.

As the European Communities introduce new legislation, it is obvious that the safeguarding of fundamental rights forms an integral part of the general principles of law in the Communities, not only in the Court of Justice but also in the European Parliament. Needless to say that applies also to the executive institutions which are bound to respect these principles.

Our two organizations may differ in scope, competence and style, but they have one fundamental element in common—a judicial power recognized and respected by the entire legal world. With the modesty proper to all parliamentarians I might say that neither the European Parliament—nor the Parliamentary Assembly is the greatest institution of Europe, the greatest are rather the courts of Luxembourg and Strasbourg.

The two excellent reports before us by Mr Machete and Mr Santer are proof that duplication as an exception may be an impetus, and that this joint session could have been more fruitful had attendance on the side of the European Parliament been higher. I am speaking of numbers, not of quality. The civil and private legislation of each Member State form together an interesting mosaic. It was the Council of Europe which formulated a common basis, the basic instrument for a harmonized defence of human rights.

So far the United Nations lacks the legal, political and moral authority to enforce outright the policies and attitudes of the Charter. I regret that world opinion about the UN is based

too much on its inactivity in questions of human rights, whilst activities for peace-keeping and in other fields are less known ; but the UN so far constitutes the major global platform to discuss human rights, although part of the dialogue now takes place within the framework of the CSCE.

On the other hand, our problem may be that the Council of Europe is earmarked—rightly so—as an institution dealing with human rights issues, and that the other conventions and agreements, numbering more than 90, do not get the attention they deserve. In a rapidly changing world our Assembly has already taken steps to strengthen the European Convention, and its original scope has been considerably extended by various protocols and the Social Charter. It is worth while to study how to strengthen this Convention in terms of social security, among other matters, some important elements have already been accepted by all Governments. As soon as fundamental rights are safeguarded, non-fundamental rights become fundamental.

Mr President, in what I may call your farewell speech as President on Monday you mentioned that few countries outside Europe can be considered pluralist democracies. In some of these countries elections are held but more in the way of, 'You are free to choose the colour of your car, but we sell them only in black'. Sir Geoffrey de Freitas has spoken of what might be called the exportation of human rights, how to export democracy. In this complicated and time-consuming process we need to leave as few spots as possible on our own systems. The purer we are the more right we have to criticize others—but criticism may be counter-productive, as too many nations claim the right to order their political as well as their economic and social life without interference from other countries.

To set up a fruitful dialogue many conditions have to be fulfilled. If we say that we are one world, in which the right of nations to an order of their own choosing is not unlimited, we should improve our efforts to lower the barriers between ourselves and the Third World. One of man's basic rights is the right to a decent living. Liberty is meaningless unless it can be attained

by all. We are conscious of our own responsibility to contribute to development in the Third World.

A new economic order will give developing countries a better chance to improve living conditions for their peoples, an important condition for the promotion of the observance of human rights. But a more important condition, a more important element for the promotion of the observance of human rights, is the right to further education, which is essential to enable individuals to develop their capacities to the best of their abilities. Each civilization has its own standards. Even in some democratic countries—I think of India—illiteracy has to be tackled first.

I believe in increased efforts to lower the barriers for the free movement of people, information and ideas. We share our close concern for the maintenance and extension of democracy, respect for human rights and world peace with other true democracies around the Atlantic Ocean, the Pacific and with a few other nations. Therefore, we should continue and extend our special relationships with other democratic countries. I believe in the importance and the dignity of the individual as a responsible citizen playing his or her full part in a society based on freedom, reason, human solidarity, social justice and a mutual respect. This can be attained only by the principles of freedom, democracy and self-determination. Liberty and democracy are twin concepts. There can be no real liberty if there is no real parliamentary democracy. Democracy means liberty.

*(Applause)*

**President.** — I call Mr Scelba to speak on behalf of the Christian-Democratic Group.

**Mr Scelba.** — *(I)* Mr President, ladies and gentlemen, as a Member of the European Parliament and on behalf of the Christian-Democratic Group I would first of all like to congratulate the two rapporteurs on giving us a complete picture of the serious issue facing the Assembly today and the practical proposals put forward.

The question of the respect for human rights accorded by all governments to their citizens is today in the forefront of world attention and the primary theme of the government policy of a great nation such as the United States of America and of international negotiations. This is an undoubted fact.

There are many reasons why the question of the safeguarding of human rights should be dealt with on an international basis.

The last world-wide conflict was stirred up by Adolf Hitler. His decision to unleash the conflict was made easier by the very fact that he symbolized a tyrannical regime which even allowed him to decide upon war on his own responsibility. The crimes committed by the Nazi regime during the war are well known. All international conventions introduced over the centuries with the object of humanizing war were violated. But humanity had seen so many things that were inhuman. The connection between tyranny, war and violation of human rights then became plainly obvious ; so that already while the war continued, it was laid down as an objective of the defeat of the Nazi regime and of the Fascist regime which had followed in its footsteps should be full enjoyment by everyone of human rights, those rights which were being precisely defined and reaffirmed. But although the downfall of the Fascist and Nazi regimes restored human rights to those peoples, thereby deprived of them, other peoples, precisely because of the war lost by those regimes, found themselves saddled with tyrannical systems such as they had not previously known. The victims included famous nations at the heart of Europe whose peoples had predicted and collaborated to the best of their ability in the defeat of the Axis powers precisely because of a yearning for freedom and respect for human dignity. This fact also gave rise to the precarious nature of the peace that has been a characteristic feature of the period from the end of the last world war until now.

But if we look at the world in the light of the documentation provided for us by the rapporteurs, we must regretfully admit that 30 years after World War II and despite the defeat of

the Nazi and Fascist regimes, the number of governments that are pure dictatorships and for that reason violators of human rights has increased. Hence also the unrest that pervades the modern world and the fact that it is impossible to establish an order based on lasting peace.

Hence also the importance rightly given to the subject of respect for human rights. It is in fact essential to realize that it is impossible to conceive any international peace not founded on universal respect for human rights. Governments which proclaim that they desire international détente yet refuse to apply it in their own countries and deny other countries the right to intervene in their affairs where respect for human rights is involved, are deceiving both themselves and others.

Détente is worthless unless it is regarded as a start to peaceful international relations. But there can be no serious desire for peace on the part of those governments which perpetuate a state of war in relation to their own subjects nor can one believe that such governments are striving for peace when they purposely make use of it to consolidate tyrannical regimes. Human rights are being violated in two-thirds of the UN Member States. In face of such a wide-spread phenomenon of peoples deprived of civil, political and human rights, the struggles to establish them would seem to be lost from the outset.

And yet this is not the case if we do not expect immediate, spectacular results from that struggle that we are in duty bound to carry on against all odds, if we know how to appreciate the value of the conquest of human rights to the peoples of the individual nations, whether they be large or small, as the fruits of the policy of freedom for all peoples.

But there are certain things that are essential in order for the struggle to be successful. Some of these have already been mentioned by the rapporteurs : I shall therefore allude to others that I believe can contribute to the achievement of positive results and all of which we recommend to the attention of the governments. In the first place there is the example to be set ;

and when I speak of example I do not just mean that governments which set themselves up as defenders of human rights should themselves respect such rights (this is self-evident). I mean above all that it is their duty to follow, in all fields, a policy consistent with their own statements. In the second place there is the demand that governments which defend human rights should act jointly. The significance of this demand is underlined by negative and positive results achieved by governments acting individually and jointly. The results of Helsinki, modest though they are, would not have been obtained without joint action by the governments of free peoples. Solidarity between these countries also imposes on them the duty to take action to consolidate those regimes which respect human rights. The economic difficulties being experienced by many countries where human rights are respected not only deprive their governments' promises to safeguard human rights in other countries of all authority but may also threaten the existence of regimes which today do respect human rights. Thirdly, we must convince ourselves that peoples subjected to tyrannical systems will find it easier to win for themselves a more liberal regime if more enlightened spirits feel that they have world support in the fight they are waging at grave personal risk. Hence the need to keep action for the defence of human rights alive and urgent. What is needed is not isolated dramatic gestures but perseverance.

If it is to be effective, the fight for the defence of human rights must be conducted with the same degree of commitment against all tyrannical regimes whatever their ideological inspiration or the strength of their governments. To be weak with the strong and strong with the weak is a bad policy even where the defence of human rights is concerned. There are some political systems that have denied human rights for decades and regard it as an unjustifiable interference in their domestic politics if interest is taken in their conduct in this respect or that denounce action undertaken in defence of human rights as contrary to détente. In dealing with such governments it is essential to assert that there is no right of usucaption for longstanding violation of human rights and that, given the lack between peace and respect for human rights, the question of respect for them can no longer be

regarded as a purely domestic affair of individual States. The remainder of the Helsinki Conference ratified the internalization of the subject of respect for human rights.

Finally, governments are asked to act impartially. The defence of human rights should be conducted without ulterior motives and it cannot and must not be a subject for barter, especially as the defence of human rights and their extension to peoples deprived of them may to a great extent compensate for the sacrifices which the free peoples may be called upon to make in the cause of a consistent protection of human rights policy. Extension of those rights assists in consolidating peace and safeguarding peace is an essential factor in economic, social and civil progress.

If governments will bear this in mind, whenever they act success is certain. The idea that civilized society is a projection of the human personality and makes for enhanced development of the human personality is alive in men's consciences just as is the idea that there is no human progress without freedom. Men's wickedness and violence may restrict or destroy such ideas in practice but they will never succeed in eradicating the idea from men's hearts; freedom acts as a leaven under the most difficult circumstances and in the end is bound to win its fight.

The appeals that reach the European Communities from the oppressed peoples are an acknowledgment of the fact that they are free institutions and an expression of faith in what they are doing. Today's debate, which will not exhaust our endeavours, is intended also as an answer to those appeals and a reaffirmation of our faith in the victory of the cause of human rights. Thank you, Mr President.

**President.** — I call Mr Bertrand.

**Mr Bertrand,** *Chairman of the Political Affairs Committee of the European Parliament.* — I want first of all to thank the two rapporteurs and to congratulate them on their introduction to the debate.



Devoted as it is to human rights by this joint meeting of the Parliamentary Assembly of the Council of Europe and the European Parliament, this debate is a not unimportant milestone on the long and difficult road to the humanization of European and international political life. In discussing this subject at our meeting today we are very conscious of the fact that we are not wasting our time on something ephemeral. It is not our aim to seek the limelight that has played on the dissidents in the countries of Eastern Europe who have succeeded by their own determination, and faced with the prospect of deportation or expulsion and with threats of all kinds, in shaking the confidence of entrenched regimes and the relative indifference of the public in our countries.

On the contrary, we are trying, quite unpretentiously, to restore political life and international relations to the stable condition that it is the nature of power to forget. However our societies are politically and socially organized, they are basically there to serve man, to provide him with life, liberty and happiness.

At a time when the Europe of the Nine is preparing to hold direct elections to the European Parliament, the European citizen and his fundamental rights should once more become the focal point of the European edifice. What is actually happening in this respect? The major political parties are beginning to take shape at European level : the European Peoples Party, the Union of Community Socialist Parties, the Federation of Community Liberal Parties. That is no easy task, for agreement is needed not only on generalizations, but on common medium- and long-term programmes.

One of the basic points of agreements between these political parties is recognition of human rights and fundamental freedoms, which is to be found either in the preamble or in the first chapter of each election programme. Even the Communist leaders in Western Europe have faced up to this subject of human rights and freedoms. That is Eurocommunism, the existence of which cannot be denied in spite of all its contradictions.

This proves that, in our Europe, where we have inherited the universal message of the Gospel, the humanism of the Renaissance, liberal and socialist thought and fundamental human rights, those which according to Mr Machete's report for the Council of Europe Parliamentary Assembly are concerned with the dignity and value of the human person are no longer and can in no circumstances be the subject of ideological disputes or doctrinal disagreement.

Such fundamental rights are recognized by all, by every Member State of the United Nations which has subscribed to the Universal Declaration of Human Rights, and in Europe by all the signatories of the Helsinki Final Act.

That is how States have become responsible to the international community for these fundamental rights. Being no longer an ideological bone of contention, how do we apply them? In the first place, in this Europe of the Nine that we are trying to democratize by direct elections, how are we going to ensure the protection and extension of the rights of the future European citizen.

The road we must tenaciously follow is that opened to us by the European Parliament's resolution on European Union adopted in 1975 as a result of the report that bears my name.

That European Union must be a pluralist and democratic community whose primary aim is to ensure absolute respect for the freedom and dignity of man. That is also the view adopted by the Tindemans' report, Chapter IV of which was devoted to a citizens' Europe and the protection of fundamental rights.

In that, the rapporteur proposed that the European institutions be instructed to decide on the best way of ensuring recognition and protection of these rights, which he believed must at least include the right of individual appeal to the Court of Justice against an act by any institution that was infringing them.

According to the rapporteur, this right is not limited to the

individual and legal aspects alone. On the contrary, the common social policy dealt with in the preceding chapter would enable certain important aspects of human rights to be applied to the Europeans' daily life.

The final important milestone along the road was the adoption last November of the Scelba report on special rights and the resolution it contained.

These special rights have a twofold aim : first, to accord the citizens of the EEC a set of civil and political rights, such as the right of individual recourse to the Court of Justice in Luxembourg, the right of appeal, various electoral rights, the right of access to certain jobs in the civil service, anyone anywhere in the Community being eligible; secondly, to extend the Community guarantee of these civil and political rights not only to cover acts by European institutions, but also acts by Member States' governments at national or local level.

In the longer term, the European Parliament remains convinced of the need for a Charter of Rights for the citizens of the European Community, as was stated in the debate on the Bertrand report on European Union, but the recent joint declaration on respect of fundamental rights for citizens by the Chairmen of the Council, the European Parliament and the Commission will not itself translate these rights into facts, in spite of the obvious political determination to do so of the Chairmen of the three institutions.

In that field, then, the European Parliament, with all its experience of petitions by European citizens and its power of investigation, must show itself particularly vigilant and critical in future, and begin by applying human rights in the sectors of the Community over which it has the most control.

Having exceeded the time allowed me, Mr President, I will stop there.

**President.** — I call Mr Bournias.

**Mr Bournias.** — In my speech at the recent discussion in Paris on the draft Report on Human Rights by the rapporteur of the Political Committee, Mr Machete, I expressed a certain disappointment that the report, so rich in generalities in connection with what is the priority subject of the present year and, indeed, of all times, was unfortunately quite poor with regard to two very concrete cases, the cases of Northern Ireland and of Cyprus, to which it dedicated only a few lines out of the 28 pages of its whole text, probably hoping that the mere statement that 'investigations are under way' would prove ample consolation for this ever-constant problem. In other words, it reverted once more to the sad policy of the ostrich, a policy that has been going on for many years.

Had the report been made public after the recent initiative of the Secretary-General of the United Nations, Mr Waldheim, one could at least have found some justification in the expediency of setting aside temporarily the principles of justice and human rights in order to facilitate positive negotiations.

However, let us not dwell on this point. Fortunately, we are again today in a period of international effort to find a solution to this problem. Every free man in every country of the world wishes that this finally will come true in order not only to avert the imminent danger to world peace but also to permit the countries involved to lead their peaceful every-day life and to attend to the welfare of their citizens.

As I pointed out to the Assembly on a previous occasion, the Cyprus problem has forced Greece and Turkey into a frenetic armaments race, which is causing havoc in their national economies.

Anyway, there can be no justification or expediency for delaying the publication of the Report of the Committee for Human Rights, which was submitted to the Committee of Ministers as far back as August 1976. Nor can we ignore the resolution of the Parliament of the Republic of Cyprus of

29 December 1977 to which I made reference during the recent Paris meeting.

I draw attention to the fact that in their proposed recommendation of 13 December the President of the Legal Committee, Mr Margue, and many other colleagues not only demand the publication of the report but ask for measures against the violators of the European Convention of Human Rights.

Recently, in the case of Ireland, the Court of Human Rights pronounced itself against Britain and put an end to this process by establishing the fact human rights were being violated in Ireland.

In the case of Cyprus, the matter is still pending in the Committee of Ministers, and it is unfortunate to note that dilatory tactics are being applied. Its President, Mr Thorn, yesterday gave us proof of these tactics by answering vaguely and disappointingly on the matter.

Furthermore, as in the case of Ireland versus Britain, the decision of the Court of Human Rights cannot disturb relations between the two members involved. I maintain that in the case of violation of human rights in Cyprus, a clear pronouncement by the Committee of Ministers will not be an obstacle, as some people seem to suppose, to finding a political solution to the problem of Cyprus. Indeed, I believe that the clearing up of the matter of the violation of human rights in Cyprus as early as possible will help rather than obstruct the finding of a political solution to the Cyprus question. The Greek Prime Minister, Mr Karamanlis, declared yesterday in London that Greece is ready and willing to do everything possible to help in the search for a solution.

We Greeks traditionally are not a vindictive race. We are the first to forgive, forget and extend the hand of friendship, even to our enemies, but only when justice is done and wrongs are redressed. We cannot put on a false smile and let injustice ride loose.

Please do not think that my only worry is the problem of Cyprus. I know well enough that there are many other equally pressing problems—social and economic—like the problem of the millions of unemployed youths in the OECD countries who are tired of listening to the wishful rhetoric of politicians, which comes nowhere near solving our problems.

I could cite many other examples but I do not wish to take up your time. We all know of their existence. What I want to emphasize is that it is our sacred mission in this Assembly to adopt and proclaim a different attitude more realistic and more in keeping with the expectations of the man in the street, not only in Europe, but all over the world. We should adopt an ideology of basic rights over and above any other ideological differences or political systems. We should find the means of stopping international hypocrisy and confusion, even in such basic and inalienable rights as the freedom of citizens. We should concentrate our efforts on finding positive solutions to the problems of today, otherwise public opinion the world over will one day, united, shout to us that historic cry of the British demonstrators of 1893: 'To mend or to end'.

*(Applause)*

**President.** — I call Mr Radoux.

**Mr Radoux.** — (*F*) Mr President, ladies and gentlemen, in this debate I intend to speak exclusively about the Belgrade Conference which is to look into the fulfilment, in all fields, of the Final Act of the Helsinki Conference since 1975.

Mr Santer in his report reminded us of the European Parliament's resolution of June 1977 in which we said:

'Considering that the Final Act of Helsinki, an essential factor in the policy of détente aimed at promoting cooperation among all its signatories, contains a principle entitled "Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief", calls on the institutions

of the European Community to adopt and uphold a joint position at the meeting to be held in Belgrade.'

I want to say to this meeting that the Ministers paid attention to this request, that the Nine have always pursued a common policy over this, and that they ought to express their gratitude to each of the members of the 35 States which met in Helsinki who followed their lead.

For his part, our other rapporteur, Mr Machete, drew our attention to one of the provisions of the Final Act in paragraph 31 of his report:

'The Final Act of the Conference on Security and Cooperation in Europe enhanced the notion of détente by giving it tangible form and conferring upon it a human dimension.'

Principle VII of the Final Act confirms that it is the duty of every participating States to respect human rights and fundamental freedoms.

As our rapporteur quite rightly reminded us, some people use two of the other principles to put difficulties in the way of the undertaking in Principle VII, namely Principle I on the sovereign rights of States, and Principle VI on non-interference in the internal affairs of States.

At the last meeting of the European Parliament I pointed out this difficulty to my colleagues.

From now till 1980, when the 35 States—we hope—will meet in conference again, we must pay a great deal of attention to the difference between things and people. In the economic field, for example, it is quite easy at one and the same time to stand by the principle of sovereignty and that of non-interference, but it is much more difficult, if not impossible, to do so when it is a question of human rights. There, it is no longer a question of national competence, as Principle VII of the Final Act points out, but of shared competence.

I appeal to the lawyers to look into this problem, but, I repeat, it is impossible to speak of men and things in the same breath.

That is why the Council of Europe Member States should undertake to do everything in their power to ensure that the 35 countries now meeting in Belgrade do not separate next month without, on the one hand, reaching agreement on a text which reports on what has been done in all the fields covered by the Final Act signed two years ago, and, on the other, without that text setting out what still remains to be done in all those fields between now and the next conference to be held in Madrid in 1980.

We know that all the fields are not mentioned in some of the papers being circulated. That is why, when the Council of Europe meets, it is particularly important for it to emphasize and reaffirm formally and publicly our undertaking and the determination of all of us to contribute in all international bodies to the solution of the problems posed by the protection of human rights.

**President.** — I call Mr Günther Müller.

**Mr Müller.** — (*D*) I think that Mr Machete is quite right in stating, in his report, that here are various definitions of human rights, and that it is not possible to come up with a clear-cut definition. If we look back to the tradition of the French Revolution and the American Declaration of Independence, it will be seen that there was from the outset no clear definition of exactly what was meant by the rights of man. What we mean by human rights today has widened in range in the course of development.

I should like to illustrate this by just one example. In 1791, the National Convention of the French Revolution refused to recognize the right to organize and the right to strike on the grounds that these rights ran counter to equality. This would be considered ridiculous today, because there have been new developments since then and we now believe that human rights undoubtedly include the right to organize and the right to strike.



I believe that the most dangerous approach when discussing human rights is to adopt a definition such as is mentioned by Mr Machete in his report in connection with the eastern European—more specifically the Communist—version of human rights, Moscow style. This asserts that human rights cannot be guaranteed until class differences have been wiped out, classes abolished and collective ownership of the means of production established.

I believe that history itself has shown that human rights cannot be adequately defined in these terms, because it is in the very places where classes have allegedly, or in reality, been abolished that some of the most serious violations of human rights have been committed. Let us only remember the time of Stalinism, or the Slansky trial in Czechoslovakia, where members of the *avant-garde* of the same social class were convicted without regard for human rights.

There are other interests at stake here. Mr Machete has also given us an example on this point. He writes in his report that the Soviet Union, for obvious reasons, has refused any investigation into respect for human rights in Argentina, a country in which human rights have been violated perhaps even more seriously than in Chile—a point which I will not attempt to check at this stage.

This brings me to the heart of the problem. The crucial factor in the assessment of human rights is the question of a pluralistic society. In my country, Germany, there are two States with a common tradition and history, the Federal Republic and the DDR. Despite this common history, there are considerable differences in the interpretation of human rights. It would make matters easier in our discussions in Germany if our friends from the Italian or French Communist Party—with whose internal political views I will not attempt to argue—would adopt a clear stand on this matter. It would help matters if the General Secretary of the Italian Communist Party, Enrico Berlinguer, would refrain from saying, as he did to Mr Honecker in East Berlin: 'We share the same ideals as you. We are struggling for the same

ideals'. I find it inconceivable that the Italian Communists and the Communists of the Sozialistische Einheitspartei Deutschland could share the same ideals, if what has been said here is to be taken seriously.

I should like to illustrate the role of pluralism with one example from my own country. We have a songwriter—a *Liedermacher*, as we say in Germany—who is Communist by conviction and yet has been expelled from a Communist country, the DDR and is now living in the Federal Republic. He is still a Communist, and engages in Communist propaganda in my country. He has even contributed money to the Red Army Faction. He is allowed to do this in my country because it is our belief that a pluralist society should permit this. It is irrelevant in this context whether this falls under freedom of artistic expression or the freedom to express oneself in other ways.

I believe that this example of pluralism brings us to the heart of the human rights debate.

It is in my native land, Bavaria, that a celebrated film producer has chosen to work, after leaving another country. This is Ingmar Bergman. He says that he has never before found a place with as much artistic freedom as Munich, a longstanding home of the arts. This freedom is possible only as a result of the prevailing pluralism, which is bound to allow the adoption of diverse political and artistic positions.

Above all, and this seems to me crucial, it is bound to allow people legally to oppose the authority, order and laws of the State, which will always be found in any State. Furthermore, it must allow acts of the State and the authorities to be investigated by the courts as further instances of pluralism. It must be possible to bring one's rights to court. This seems to me, as I have said before, to be the heart of the matter.

Let me give one last example. It has recently been published in the papers that a 'Bergman' in the Soviet Union has just been sent to a mental hospital. His offence was to show that the laws of his own country, the labour laws, laws on working hours and

prevention of accidents, were not being observed. With some internal logical consistency, it was asserted that: 'A state of affairs cannot possibly exist if, according to our ideological views, such a state of affairs ought not to exist', and the man was accordingly relegated to the mental hospital. This shows that, even if there are various definitions, there can be no genuine talk of human rights without pluralism.

*(Applause)*

**President.** — I call Mr Burke.

**Mr Burke,** *Member of the Commission of the European Communities.* — 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 this opportunity 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 reports 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 with Spain, now, 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 subjected to torture, to equality before the law and to freedom from imprisonment without trial (cf. para. 6 of his report). 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 countries of the Council of Europe and of the European Community. And in those cases, fortunately rare, where they are not respected we have 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.

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 recognize 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 by competition from low-wage imports or 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 to 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 conclusion 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 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 at combating 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 by many other countries.

Other efforts have been made by our countries, acting indi-

vidually 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 emphasizes 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 Member States 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

regard to 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 safeguard, 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 it amounts to torture, or to inhuman and degrading treatment, or merely what is called 'interrogation in depth', then with each violation we will 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.

#### **IN THE CHAIR : MR CZERNETZ**

#### **President of the Parliamentary Assembly of the Council of Europe**

**President.** — I should like to point out that we have a problem, although I will not at this stage draw any conclusions. According to the list of speakers, if every speaker takes exactly 7 minutes, the debate will last for another four hours and

twelve minutes. It is for the Assembly itself to draw their own conclusions.

I call Mr Lewis on a point of order.

**Mr Lewis.** — On a point of order, Mr President. As you have raised this matter may I now have a go? I would like to know about the human rights of the ordinary back-bench members in this Assembly. We have been here for over two hours, and, with the exception of the last speaker, everyone has taken his turn in his official capacity as a front-bench speaker. It was coincidental, perhaps accidental, that we had two back-bench speakers, because, I believe, the Member due to speak had not arrived. We now come to the time when it is the turn of the back-benchers and already we are being told 'Watch the time. Cut it short'.

My point of order is this: on what basis do we give to the ordinary elected back-bencher the same opportunities as are given to those holding official positions? We have spent two hours without limitation on speeches but now the rest of us are to be cut down. We should try to do a little more on human rights for the ordinary Members of this Assembly.

Lastly, I do not know where the Members of the European Parliament are. I have looked on the list and find there are about 10 of them. This was supposed to be a joint meeting. Let me here condemn my British colleagues. I see there are four of them present today, and three are in the Chamber at the moment. This is supposed to be a joint delegation, and already one out of the four has spoken. I have made my protest. I now leave the Chamber.

**President.** — Mr Lewis, you have exercised your human rights on this point of order. I can only tell Members what the situation is. I am quite prepared to sit here all the time. We will now go on to the debate.

I call Mr Calamandrei.



**Mr Calamandrei.** — (*I*) Mr President, ladies and gentlemen, I believe it can be said for the Assembly of the Council of Europe that the principal significance and value of this debate on human rights in the world were already set out in the conclusions to the debate which we had here about a year ago on the application of the Final Act of Helsinki when in our Resolution 654, which was unanimously approved, we stressed that—I quote—‘there is no room for bias in the defence of human rights, which must apply everywhere in the same fashion, irrespective of political and social systems’.

And this is the fundamental principle of the universality of human rights and their international indivisibility, now reaffirmed in the recommendation proposed to us by our Political Affairs Committee and included in Mr Machete’s report: a principle which should be promoted in relationships between peoples and states as being an indispensable feature of the fabric of rationality and humanism to which such relationships should be directed, but which they are frequently far from achieving. Far from regarding it as a justification for comparing and counterbalancing the all-too-many violations of freedom and human dignity throughout the world, it is a principle which requires us to condemn and take urgent action against the more serious and more massive affronts: it is precisely because enforcement of international law where it is radically violated is an essential condition for affirming its universal authority and applicability and for ensuring that it is universally respected.

Consequently the question of the political prisoners in Chile whom the Assembly of the Council of Europe wished to support—in tomorrow’s session—the complex question of human rights in the world, the Chilean question so strongly emphasized in Mr Machete’s report, qualifies the approach to the general problem, providing precise evidence of a priority inseparable from it and reminding us—if this were needed—that historically and politically it has been and still is a feature of fascism, of those fascist regimes which in our times have been and still are

a total denial of mankind and an odious attempt to destroy all the values thereof.

A fundamental principle, as I was saying, this indivisible universality of human rights which causes us to look upon Chile as being as close as our own native land and in need of redemption—this fundamental criterion is nevertheless part of a series of criteria, criteria of contextualism, all of them equally decisive, apart from which the defence of human rights remains a foolish ambition and may in fact be in danger of damaging its own ends.

There is an inseparable link between civil and political rights and economic, social and cultural rights : a link of mutual inseparability because freedom will never be complete or genuine for anyone as long as there is hunger, poverty, exploitation, under-development ; and inversely social progress, even where historic revolutionary changes have created the necessary conditions, cannot bring complete and perfect emancipation of mankind without freedom and without political democracy.

There is also contextualism, ratified in the Final Act of Helsinki, which also is inseparable and reciprocal, co-operation in the matter of human rights, détente and security : co-operation for which reason—as President Carter has pointed out—to concentrate on one of these objectives involves a danger of deviating from the others.

Finally there is the organic connection between individual rights and collective rights, between freedom for citizens and self-determination for peoples and independence of states. In this respect also Chile remains a warning and a duty for us all : the most tragic example of which aberrations may help to cause foreign interference in a people's choices ; a lesson which no one, from the most powerful downwards, must cease to think about and which, as is also shown by very recent comments in our countries, is met in the democratic conscience by an ever more prompt and vigorous rejection of any sign of interference in the internal problems of national autonomy.

It is without doubt a very complex and difficult task to advance the cause of human rights within the restricted framework of these conditions. It is none the less a task that we must accomplish, possibly the one among all others that sums up all the principal tasks of peace, development, emancipation and freedom imposed by history on our times.

Despite the difficulties we must therefore realistically and tenaciously make sure that assertions, declarations and agreements are followed by action and measures bringing concrete achievements, in this sense acting above all in such a way that, with wider international agreement, the machinery of guarantees and supervision provided by the UN Covenants on human rights may be strengthened.

For these purposes, nevertheless, as Western Europeans, citizens of this great pluralist democracy, as members of the Council of Europe and the European Community, the most direct contribution we can make is certainly that of enlarging the scope of and reinforcing the instruments for carrying out our Convention on Human Rights, exploiting and strengthening the functions carried out by the Court and the Commission of Human Rights, functions which even in their present broad limits—this I believe we can say without presumption—are so far the only example of the kind in the world.

Everything that our governments and national parliaments, in addition to the European Assemblies, can do in this respect must have our maximum support and help. And so far as depends on us Italian Communist representatives I wish to state here that we intend to commit ourselves fully to this task.

*(Applause)*

**President.** — I call Mr Coutsocheras.

**Mr Coutsocheras.** — *(F)* Mr President, ladies and gentlemen, when I was speaking about human rights at a previous session of the Council of Europe Parliamentary Assembly, I

proposed that they should be included in the orders of the day of each session, that is three times a year. That would be a way of reminding us all that we have to do battle for those rights, for we must never forget Dag Hammarskjöld's words :

'Without recognition of human rights we shall never have peace.'

But human rights, instead of being a beacon in the hands of Prometheus Unbound, still remain in the hands of Prometheus Bound. And when we discuss the general policy of the Council of Europe on human rights, the first thing we have to remember is that these rights are one of the cornerstones of the European Convention and of the Council of Europe itself. We must also admit that there are structural obstacles to progress along this path and that some of these obstacles have been put there by the Member States of the Council of Europe.

For example, we are witnessing violations of human rights by the Turkish troops in Cyprus, violations committed since the Turkish invasion. Although the European Commission has noted that these monstrous violations are taking place, the Committee of Ministers is not conforming to Article 32 of the Convention, which requires it to come to a decision within three months from the date of the transmission of the report to the Commission, which was in August 1976.

On the contrary, the Committee of Ministers waited nine months before considering the matter, and in the meantime atrocities by the Turkish authorities continue in Cyprus.

In conclusion, and that is all I will say, I must just mention the motion for a recommendation tabled by Mr Margue, Mr Périquier and others, and the Cyprus Parliament's resolution addressed to our Parliamentary Assembly.

Mr President, ladies and gentlemen, I want also to remind you that René Cassin, speaking about the Universal Declaration of Human Rights, said that it formed the basis of

a minimum law common to all and provided a moral code for every member of human society. He concluded: 'The flame guarded by Prometheus is a symbol which will never perish'. That is true both of the Universal Declaration and of the European Convention, if we make up our minds to conform to them both in the letter and the spirit.

But more than that is needed in this case.

First, there must be more parliamentary supervision to prevent governments from overstepping their powers and to ensure that human rights are properly protected.

Second, the Member States should be invited to include in their law some of the standard provisions of the European Convention on Human Rights, so that they can be applied directly by the national courts.

Third, every obstacle to the coexistence of the different courts must be removed so that legal aid may become effective and guarantee human rights everywhere.

Fourth, the protection provided by human rights must be extended to cover new situations caused by the evolution of society, for in our day and age to guarantee his rights to a man without also guaranteeing him a minimum living may be said to be a mockery. But in any case we must remember that the institutions set up to safeguard human rights will continue to show signs of expiring so long as we limit our ideals to those of European citizens and do not extend them to those of all citizens everywhere.

Finally, Mr President, our Parliamentary Assembly must appeal loudly and clearly to the whole world to remove all restraints on the protection of human rights, especially as 1978 is the 30th anniversary of the Universal Declaration of Human Rights and the 25th anniversary of the European Convention on Human Rights.

**President.** — I call Mr Urwin.

**Mr Urwin.** — I express my pleasure that we are meeting here as parliamentarians representing not just 20 nations comprising the Member States of the Council of Europe but including the nine nations which are members of the European Economic Community and that we are also meeting in the interests of and on behalf of millions of people throughout the world who are denied access to even the most basic human rights.

I congratulate my erstwhile colleague Pierre Aubert on the large volume of work that he did on the initial report in preparation for this joint meeting. I also extend my thanks to Mr Machete, who at very short notice took over Mr Aubert's report and put the final touches to it, and also my colleague from the European Parliament for the important work that he has done.

I said that we are trying to meet the aspirations and realize the hopes of millions of people throughout the world. I am sure that many of those people, condemned to lie and rot away in prisons in different parts of the world, who set great hope on the outcome of the debate on the Helsinki Final Act, looked forward with similar eagerness to the outcome of the discussions at Belgrade. The parliamentary and administrative machine moves very slowly, and I hope that all those people are not too seriously discouraged by the fact that so far as they are concerned there appears to have been very little progress.

The real danger is that in the midst of these long-drawn-out procedures we may witness the increasing institutionalization of machinery responsible for negotiations.

I pick up the point in Mr Machete's report regarding the claim that the American Declaration of Independence was the forerunner of civil and political rights in that part of the world and influenced other parts of the world. I remind my colleagues that in the United Kingdom a not unsubstantial contribution

was made to the development of human rights by the national development of laws such as the Magna Carta, Habeas Corpus and our own Bill of Rights, long before America was even born. Clearly there are varying interpretations placed on the meaning of human rights, largely because of the difference in political ideologies in many countries of the world. I believe we are entitled to feel proud that here in the Council of Europe there are probably more pluralistic interests than in the rest of the world put together.

I firmly believe that economic rights are indivisible from civil and political rights and that there is some justification for examining the possibility of whether social rights are also to be embodied in the framework of human rights.

We must feel equally grateful for the farsightedness of many of our predecessors in ensuring that 30 years ago the Court of Human Rights was set up under the Convention, and the most important aspect of the European Human Rights Convention surely is its enforceability. I am happy to be able to stand here as a British delegate to the Council of Europe and a Member of the British Parliament because my own Government had no qualms about appearing before the Court of Human Rights at the request and claim of the Irish Government. I was equally pleased to learn last week of the outcome of the adjudication on that case at the Court of Human Rights. However, I go on to express the more fervent wish and hope that the Court of Human Rights and the Human Rights Convention are equally applicable to and enforceable upon all countries in the world, far beyond the confines of the 20 Council of Europe nations.

Throughout the debate many references will clearly be made to violations of human rights. This is understandable. One can quote them for hours and hours and still not exhaust the list that has been produced by Amnesty International. In all cases we must support the tremendous battle being waged by many people for access to human rights. In many cases we must support people who are described as dissidents. I am

sometimes alarmed to hear of such cases as I did last week when receiving a deputation from Eastern European countries in the House of Commons whose purpose was to lobby on the subject of human rights for coal—miners in Romania, several hundreds of whom, because they took strike action and incurred the wrath of their Government, were taken from their home area, the coal—mining Jiu Valley in Romania, and deported to different parts of the country without any guarantee of employment and, as I understand it, left entirely to their own devices. A Romanian who happens to be an author has taken up the cudgels on their behalf with considerable support, but he, similarly, has incurred the wrath of the Romanian Government. He has virtually been expelled from his own country with very little hope of ever returning. He is a dissident. As in many other cases of which we have heard throughout the world, had it not been for similar dissidents, we would never have seen—certainly as not as early as we have seen—the emergence of democracies in Spain, Portugal and Greece. It is vitally important that we should support just causes where the claim is made for human rights. The obscenity of Uganda must disappear once and for all.

Finally, I make reference to the existing machinery at our disposal to examine as closely as possible the importance and real burden of responsibility which devolves upon us in both the Council of Europe and the European Parliament to expand, enlarge and improve the existing facilities for dealing with human rights in the world.

In response to the initiative of the Assembly carried out by you, Mr President, I wish the Assembly to know that at least one group, the Socialist Group, has already started to examine the subjects with which Europe is deeply concerned. I consider human rights to be one of the foremost categories with which we can involve ourselves. This we shall probably be doing in the very near future.

I apologize, although the light has not yet gone on, if I have exceeded my seven minutes. I happen to be Chairman of the



Socialist Group in the Council of Europe. I was rather surprised that I was not consulted or given the opportunity to speak in that capacity in the category of political group contributions.

*(Applause)*

**President.** — We have not used the lights because the Members of the European Parliament do not understand our arrangements. However, Mr Urwin's speech was much longer than seven minutes. I must remind Members when they have reached the limit of seven minutes.

Mr Scholten of the Netherlands has indicated that he must leave immediately to return to his country. Is there any opposition from the Assembly if I call him next ? That is agreed.

I wish to inform the Assembly that several Members of the European Parliament have not had time in recent days to enter their names on the list. They must be included somewhere, otherwise they will have no opportunity to speak.

On the other hand, I think it would be wise not to go on too late. Shall we close at 7 p.m. or 7.30 p.m. ? It is quite clear that the majority present is in favour of closing at 7.30 p.m.

I call Mr Scholten.

**Mr Scholten.** — *(NL)* For the Council of Europe human rights are a fundamental objective and for the European Parliament the advancement of human rights should increasingly become an essential item of policy. In this context I welcome the greater willingness of the countries that signed the Lomé Convention to base their cooperation on the Universal Declaration of Human Rights.

The countries of the European Community have a particular responsibility in the field of human rights. I would refer above all to the situation in South Africa, a country which turns a deaf ear to calls for freedom and refuses to respect

human rights, a country which may yet be induced to think differently if international pressure is exerted, particularly in the form of economic boycotts. It is therefore regrettable that a number of Community countries, including the United Kingdom and Germany, should be so hesitant here. It does not improve the credibility of the West and, as I see it, is not in the interests of Western Europe in the long term.

It is with admiration, Mr President, that my thoughts turn to the pioneering work done by the United Nations in the field of human rights. Since 1945 there have been growing efforts to establish internationally recognized standards. And standards are important because they are a constant appeal to respect the dignity of mankind.

With all due respect for its activities, two criticisms should be levelled at the United Nations: firstly, the virtual impossibility of having the standards applied, however badly they may have been infringed. There remains a real need for satisfactory instruments as an effective means of ensuring that human rights are respected. In addition, the credibility of the United Nations and the human rights cause are not helped by the selection of targets for indignation.

It is right to criticize Chile and South Africa; it is wrong not to criticize Uganda and Vietnam.

The democratic countries of Europe have been able to make a valuable contribution to the human rights cause.

I nevertheless feel that a number of important matters remain to be dealt with by our countries and that we must tackle them soon. One of the most important is the extension and strengthening of the European Convention on Human Rights.

I should also like to mention, Mr President, the abolition of the death penalty. Spain, our latest member, is in this respect an example to many. A satisfactory ruling on conscientious

objection to military service is also urgently needed. Despite repeated appeals from this Assembly, a great deal remains to be done in this field. As an example I would name Greece. In addition, the Convention should be substantially amended where it concerns emergency legislation so as to create a definite framework within which such legislation can be condemned and so that effective international controls can be introduced, including the periodical and compulsory publication of a report to the Secretary-General.

Mr President, I should now like to refer to the individual's right to complain, for which the European Convention makes provision, but which has still not been accepted by five countries of the Council of Europe. I welcome the fact that Spain and Portugal have already given assurances in this respect. If we want to operate satisfactorily and credibly in the world, it would be a good thing for all the countries to accept this principle.

In this connection I regret the fact that our Assembly has adopted a resolution advising the countries of the Council of Europe not to sign the Optional Protocol to the Covenants of New York of 1966. After all, the individual's right to complain forms part of the great heritage of European culture and European civilization.

Mr President, it would be well to set a good example. The better human rights are protected in Europe, the greater the effect we can have when considering other areas of the world, and criticism of others must be reflected in our own part of the world. I therefore recommend acceptance of the 1966 Covenants of New York and the Optional Protocol.

Finally, I should like to refer to the connection between conventional rights, political rights as they are known, and social and economic rights. Working for human rights also means working for just economic and social structures, although the latter goal must not be allowed to dominate the goal of political rights. The India of Indira Gandhi is an example of how it should not be done.

We of the democratic West have a great responsibility to bear in this. I would repeat that political rights form a whole with social and economic rights, and we reject any separation of the two in whatever way.

This means among other things that in their efforts in defence of human rights the privileged countries of Western Europe cannot escape their responsibility as regards achieving a radical change in the economic and social structure of the world, without which very many people will not obtain the social and economic rights to which they are entitled.

A plea for political rights alone is inadequate and lacking in credibility. For some poor devil dying of hunger somewhere in the world a plea from the West exclusively or predominantly for the maintenance of political rights is as welcome as a cheerful drinking-song at a funeral.

*(Applause)*

**President.** — I call Mr Aano.

**Mr Aano.** — It seems that within a very short time human rights have become a major concern in international politics. Suffice it here to mention the Final Act of the Helsinki Conference, where the participants States including all the States represented in the two Assemblies meeting here today, our East European Communist neighbours and, in addition, the host country of the conference, Finland, reaffirmed their will to respect human rights and fundamental freedoms. Whatever the differences in interpretation of the meaning of certain phrases and promises in the Final Act—I am especially referring to Basket 3—the words are there.

The promise to protect human rights has been signed by all the States. This document will be the basis of any negotiation, any contact and dialogue across the ideological borders in Europe in future.

After Helsinki nothing will remain exactly as before. It was not surprising that, after Helsinki, the new President of the United States, Mr Carter, made the human rights issue a major part of his international politics, even if to begin with it was resented both by the representatives of the *realpolitik* in the West and by the Communist States.

The Final Act of Helsinki also renewed discussion on human rights issues in my own country. In June 1977 our Parliament held a full-day debate on human rights based on a Government report to the Storting, with the title 'Norway and the international protection of human rights'. This must be one of the first papers of its kind to be discussed in any Parliament. The report has aroused interest abroad and has been translated into English. I have a copy of it here.

There was general approval by the Storting of the guidelines for human rights work, and our Government declared its will to

'contribute to strengthening the international system of protection for human rights; support voluntary agencies in their work for human rights across national borders; engage itself directly whenever desirable in cases involving the violation of human rights'.

I find it especially interesting that the Norwegian Government stressed the importance of the work of voluntary organizations in the fight for human rights. Two such organizations are mentioned in the report—Amnesty International and the International Commission of Jurists. It was also a happy choice by the Nobel Peace Prize Committee to give the Peace Prizes for the last two years to representatives of one local peace organization and one international organization, namely, the two brave peace women of Northern Ireland and Amnesty International. I am glad to see that the latter is mentioned very favourably in the two very interesting reports that form the basis of our discussions this afternoon.

It is not unexpected that such organizations are much

criticized in certain quarters. I warn my colleagues assembled here, representing 20 European members of the United Nations, that strong criticisms have been raised by representatives of the Soviet Union and others, at, for instance, the ECOSOC meeting of last summer, against the so-called 'unwarranted criticisms' of some States of the United Nations and of their interference in the internal affairs of countries. Such criticisms are levelled against organizations such as Amnesty International and the International Commission of Jurists. In addition, the Soviet delegate mentioned the Anti-Slavery Society, which, founded in 1839, is one of the oldest voluntary agencies and which has become very active again since the Second World War, with branches in many countries, including since 1967, Norway.

These three organizations enjoy observer status at the United Nations. I warn delegates, however, that this status may be endangered if we are not alert to the threat by United Nations member countries which feel the burden of their accusations on human rights issues.

The topic of our discussion is human rights in the world. It is significant that in the United Nations debates it has been clearly shown that we cannot win any of these issues in the world arena unless we manage to obtain the support of the Third World. These countries tend to blame their former colonial masters for violations of human rights, as has been stated in Mr Machete's report. To overcome this mistrust we have to prove that we are on the side of the poor peoples of the Third World in their struggle for freedom, justice and progress.

Here I am convinced that one of our best allies may be another voluntary agency, if one may so call them, namely, the Christian Churches. For example, the report of the Lutheran World Federation Assembly in Dar-es-Salaam, Tanzania, last year made the three areas of missions, ecumenical relations and human rights their chief concern. In a major address on human rights, Dr William Lazareth called all Christians to 'responsible political involvement', so that they could care for God's creation. The Federation expressed concern for human rights,

especially in southern Africa and issued a sharp protest against the 'continuing threat to human dignity and the manifold violations of human rights' by the white minorities in these countries.

If we, the democracies of the West, can speak with an equally unanimous voice on the human rights issue of apartheid I am convinced we shall also, in the long run, gain more support for all human rights issues about which we are concerned, at home in Europe and among the other members of the United Nations family.

(Applause)

**President.** — I call Mrs Squarcialupi.

**Mrs Squarcialupi.** — (I) Mr President, ladies and gentlemen of the Council of Europe and the European Parliament, this statement of mine begins with an observation that is partly linguistic and which therefore may perhaps cause some difficulties in translation into some languages. We are in fact talking about *diritti dell'uomo*, *les droits de l'homme*, whereas we should more correctly be talking of 'the rights of the human being'. Adult man is in fact regarded in our society, in this connection too, as a reference point for the human race, representing humanity as a whole, and this relegates weaker elements like women, old people and children to a secondary role. This would not be very serious if it were a matter of linguistics alone; but in reality these descriptions, *les droits de l'homme* and *diritti dell'uomo* are expressions of a political will which still looks upon women mainly as second-rate citizens, who do not qualify for the same rights as men.

If we look around in this hall and count the number of women present here as representatives of other citizens, we realize that in the countries we represent nothing much is really being done to enable women to avail themselves of fundamental political rights; in other words women do not have the full benefit of some rights such as, for example, that of represen-

tativeness and participation in public affairs. In a word, decisions are made without women.

But this is only the last link in a chain as well as the consequence of the violation of so many rights, rights that fit in with all the definitions I have heard given in this hall. It is a violation which is still suffered by women and which becomes more acute in these times of crisis. In some countries the problem has already been tackled, but only on paper, by the issue of new laws ; in very many instances, however, these laws are not applied. Women's right to work, regarded not merely as a means of support but also as a means of human advancement, is more than ever disregarded, whilst unemployment weighs more heavily on women. Financial dependence, I would like to add, is always a grave danger both to individual and ideological freedoms. In many European States, as I have said, the laws make provision for equal pay for men and for women ; but just as often the laws are not complied with, thus indicating serious obstacles to the equality laid down in various declarations regarding rights. In any event women perform work that is not done by men, humbler, less skilled work in which there are no chances of making a career, work which is always less well paid because they have been forced into it by discrimination affecting them from their early years, in the family and at school. In short, women are the last colony in Europe.

Even in socially more advanced countries women continue to experience motherhood as a burdensome personal fact and not as a social opportunity which the community should share jointly with them, helping them to experience a motherhood deliberately chosen. But the lack of social services, cultural ultra-conservatism, the habits and customs that entrust household tasks to the woman alone, prevent her from exercising her fundamental rights. In a word, a woman cannot choose and therefore she is not free like male citizens, because so far as she is concerned certain rights are applied to her differently—or they are not applied at all—thus preventing her from enjoying other human rights.



So after the euphoria of International Women's Year there remains in all countries—more in some, less in others—a stealthy, underhand but systematic violation of fundamental rights, especially where women are concerned. The rapporteur for the European Parliament himself, where he speaks of the Treaty of Rome and the fundamental rights of the citizens to which it applies, places discrimination on grounds of sex between brackets as though it were a less serious fault than discrimination on grounds of nationality.

Mr President, ladies and gentlemen, the fight for human rights that we are waging—even though sometimes with discordant interpretations—must find us in agreement as to its theme and not only in regard to certain useless declarations of goodwill. We cannot fight for a better society, for international order, we cannot be authoritative defenders of the freedom of others if we pretend to be unaware that more than half of the population of our countries—the women, that is—suffer from the consequences of the cultural and legislative backwardness affecting them.

We cannot be trusted in our action if in our own countries we fail to eliminate violations of certain rights to which women in particular are subjected. At the same time every violation of fundamental freedoms and human rights becomes all the more serious if it is added to other violations suffered by women.

Moreover, every fight for freedom of thought, conscience, religion and faith will be fairer and more complete if it can be shared by large numbers of women as free citizens and not as second-class ones, as I seemed to have understood from this Parliament and from the statements of some of the parliamentarians.

*(Applause)*

**Mr Reddemann.** — *(D)* Could not those of our colleagues who have brought written speeches with them, and who wish to read them out here, entrust their written speeches to the chair ?

This would ensure that their words could be printed in the record. If we were to proceed in this way, then those of our colleagues who have not prepared their speeches in advance, but who would like speak impromptu would have an opportunity to speak in the debate.

*(Applause)*

**President.** — After consulting some of my colleagues, I am of the opinion that we should stick to the usual procedure.

I call Mr Prescott.

**Mr Prescott.** — It is right that we are holding this meeting today. I congratulate the rapporteurs on their reports. It is right that we should discuss this in 1978, the 30th anniversary of the United Nations Charter embodying the human rights obligations, which was signed by all nations. It is right that in 1978 Amnesty International should have been given this great honour. Amnesty International started as a concern in Europe. It is particularly right to hold this debate in Strasbourg, which has a very long history of Council of Europe associations with human rights matters.

It is clear that human rights are not simply matters of concern only in far away places. If we look at the Amnesty International report, which everyone has been praising, we see that it says that human rights were still being violated in most countries of Europe in 1976-77. That did not just mean human rights.

Britain has been rightly condemned for acts of torture, however we may gloss over it and use other words. The fact is that Britain was condemned, and rightly so, and now the practice has ceased.

France has people rotting away in gaols for being conscientious objectors and for the other matters of concern. When I listened to Mr Müller I felt that he was not aware that Amnesty International is concerned about the rights of defend-

ants in trials in Germany. It is also concerned about ordinary public workers like train drivers and postmen, who are being hounded out of their jobs simply because they are not considered to be loyal to the constitution. These are matters of grave concern, which we all too readily forget to discuss as they relate to ourselves. One of our first concerns in this year must be to look at our own problems and be more concerned to condemn such practices when they occur.

My second point is about the Socialist Group's activity within the European Parliament. We have attempted to take matters somewhat further and deal with the problems of violations of human rights in those areas where we have responsibilities, by some kind of contact and a countervailing power that we can use. I very much welcome the initiative taken by President Carter. It is not the first time human rights have been discovered, but at least the President has given us a very powerful point in arguing that there is an important moral responsibility upon nations, particularly the rich nations, to assist developing nations in arguing the case for the development of human rights. That does not mean that we want to interfere absolutely with the political situations in those countries. After all, Europe had a pretty bloody history before achieving its democracies, and it may be in a process of transition in a number of countries.

We can make it clear to these countries that there are certain fundamental rights belonging to the human person. These may be, as expressed in the American Constitution, the inalienable rights of the human being.

It is nevertheless true that there are certain fundamental rights regarding the integrity of a human being which he must be guaranteed whatever political society he is in—the right to live, the right to be free, the right to be free from arbitrary arrest and torture. These are minimum fundamental rights that we should guarantee to people in whatever political system we live. Therefore, if we get our position right in our own countries we can begin to speak on this matter to countries like the Lomé

countries, where I sit in the Assembly with African politicians, some of them who masquerade as believers in human rights although the countries they represent are dictatorships. They ask us to condemn the political system of apartheid in South Africa, which we are prepared to do, but when we use the power of Europe—whether in the European Community or in a broader context, as in this Assembly—we use it to say to those countries ‘You must observe these minimum fundamental rights’. We use it in our arguments against South Africa when we tell our companies that they must observe the minimum conditions in those countries.

Equally, we must tell our African colleagues, some of whose hands are dripping with the blood of the people they have murdered and tortured, ‘If it is right for us to interfere in the political affairs of South Africa, it is equally right for us to condemn the barbarous activities which some of your Governments and régimes are imposing in your countries’. What President Carter has done, therefore, is something that we ought to consider, to use the power of trade relationships and of finance to say to these countries ‘Yes, we wish to assist you in your development but a condition must be that you observe a minimum of human rights. You do not have to be pluralist democracies like us but you have to guarantee certain minimum rights’. To that extent we could grasp the opportunity to use the power that we have with civilizing effect on those African countries. Rather than having a day’s debate on human rights we should use our collective strength to tell these nations ‘You must observe this’. We should support the Americans in at least some of the things they are trying to do. Of course there are problems. There is hypocrisy. The central theme is whether we are prepared to gear our strength to that end.

On human rights, therefore, on the Lomé Convention, the Socialists in the European Parliament are requesting that that agreement should stipulate that all aid will cease if these minimum conditions of human rights are ignored. To that extent this is an important development, which we should exploit. In view of the time I cannot develop some of the other

points I wanted to make, but these two Assemblies, the European Assembly of the Community and the Council of Europe, should consider coming together, perhaps in a joint committee, to do what the Americans are doing and if necessary to work with them to attempt to see that we make clear, in this new world economic order that is clearly coming about, that human rights are important. When the French President says 'Africa for the Africans', I say, that may be so, but only on condition that human rights are for humans. Therefore, we have to endorse that challenge and support all activities in this area, and, perhaps, as one positive benefit, let the two Assemblies in Europe come together and use their collective strengths to take a lead rather than follow the American initiative in this field.

*(Applause)*

**President.** — I call Mr de Marco.

**Mr de Marco.** — We are called here, Members of Parliament from 20 European countries, representatives of the European Parliament and of the Parliamentary Assembly, to discuss human rights in the world. This subject is high-sounding but I am certain that we are doing so not because of any triumphalistic mentality or approach to human rights on our part—we know only too well our shortcomings—but because as an outward looking community of nations we want to reaffirm, in the words of the preamble to the convention:

'profound belief in those fundamental freedoms which are the foundation of justice and peace in the world and are best maintained on the one hand by an effective political democracy and on the other by a common understanding and observance of the human rights upon which they depend'.

Sometimes such debates have a tendency to discuss the abstract as against the concrete, to bring out the obvious as against the problematical, to settle on the complacent and avoid polemics.

We do not believe that this is the purpose of this debate.

My first point is that, although each of the high contracting parties to the Convention is responsible for giving full effect to the Treaty, it does not mean that the Convention directly applies as internal law. Action must be taken through the Secretary-General to ensure that the Convention becomes an integral part of the domestic law in all signatory States.

The second point I wish to make refers to Articles 25 and 46 of the Convention, dealing with the rights of individual petitions and compulsory jurisdiction of the Court of Human Rights. So far these are optimal clauses. It is true that with the sole and notable exception of Ireland, no signatory to the Convention has ratified, in acceding to the Convention, and for an unlimited time, the said two articles of the Convention, but with almost 18 years' experience of the functioning of the Court and with by far the majority of the signatory States having ratified the right of individual petitions and compulsory jurisdiction of the Court of Human Rights, the non-ratification of Articles 25 and 46 by the remaining Member States renders the Convention of little practical value to persons living in these countries as a charter for effective protection of human rights.

In the Council of Ministers, in visits by the President of this Assembly and by the Secretary—General of the Council of Europe, in agreements made by the Community with other European States within the Community itself, the objective of the ratification of Articles 25 and 46 must be stressed if we want to give full cooperation in the resolutions and recommendations of this Parliamentary Assembly and also of the European Parliament.

When we speak of human rights in the world we have to recognize that in many countries of the Third World we have to link the right to existence and the right to food with the right to 'life, liberty and the pursuit of happiness'. Otherwise, our credibility will be at stake. It will also be at stake if we proclaim human rights and assent supinely to the negation of the right of a people to live as a sovereign nation in its own country. In particular, I have in mind the people of Palestine.

The major international issues in South Africa, the support for Namibia and Rhodesia, were rightly referred to in Mr Senter's report. There is, however, an aspect of human rights which has not been dealt with in these reports by our rapporteurs, the right to education. In Article 2 of the First Protocol it is stated that:

'No person shall be denied the right to education'.

In raising this matter I have in mind what is happening in my own country of Malta. The Prime Minister of Malta has described the right to tertiary education as 'rubbish' and has gone on to declare that henceforth, prior to a person going to university, apart from the normal qualifying examinations, he has first to obtain employment with the Government, a para-state body, or some private firm, and for the prospective student to start his studies in the university he has to be voted for by his fellow workers.

And if his fellow workers do not vote for him he cannot become a university student.

From the *travaux préparatoires* of Article 2 of the first protocol it is clear that the main aim of this provision was to nip in the bud any totalitarian tendencies of the State in education. One can realize the extensions of this totalitarian tendency in the Government of Malta in subjecting prospective university students to a vote by their fellow workers in Malta, the General Workers' Union, is to be absorbed into the Labour Party, thus becoming the first trade union to become an integral part of a party in the Western democracies.

We have to nip in the bud totalitarian tendencies and temptations. We must not wait to denounce such tendencies when the violations, the amount of torture and the amount of imprisonment for political beliefs, are so great. There are most suitable and most subtle and sophisticated ways to erode democracy and human rights in a country, as many have learnt by experience.

**President.** — I call Mr Périquier.

**Mr Périquier.** — (*F*) At our sitting last Monday, the Spanish Minister for Foreign Affairs, whom we had the great honour of listening to for the first time at the Council of Europe, tried to justify his country's abstention, in the vote on the United Nations resolution condemning Chile, by the fact that the resolution was unilateral, that it condemned only one country when many others should also have been condemned.

This is true, but, for all that I do not agree with that attitude for the campaign to protect human rights must be fought day in day out. We should never let slip an opportunity of condemning a country that ignores human rights, as Chile, the country of the evil General Pinochet, does. Of course it would be better to fight on a general front but we have to admit that that is not possible and that we have to plan our campaign because, according to Amnesty International, there are 117 countries which ignore human rights.

Above all, we must never forget that the triumph of freedom, democracy and human rights in Spain, Portugal and Greece, leads other oppressed peoples to try to recover their freedom.

But I can perhaps now understand the Spanish Foreign Minister's attitude if what he meant to say was that the Western countries—and therefore Europe—who want to be considered the protectors of human rights, should set an example, as the President of the Federal Republic of Austria reminded us so eloquently yesterday.

It is, in fact, true that in a debate like this, some speakers tend to turn their eyes to other countries and to forget what is going on in their own. It is generally the Eastern countries they look at where it is true that human rights are completely ignored, whether freedom of expression, of policy towards the Jews, or the methods employed such as psychiatric internment.



Of course we have good reason to denounce such an attack on human rights, but, if our criticism is to be valid, if we are to make our voice heard at the Belgrade Conference, if our action is to be credible, we European countries, we of the West, must have a clear conscience ourselves.

But have we a clear conscience? Alas, not by any means. I will pass very rapidly over certain attacks on freedom that have already been pointed out. It is true that President Carter champions all types of human rights, but when he went to Iran the only speech he did not make was one on human rights, although shortly before a very bloody demonstration had taken place which was not political, but religious.

It is a fact that all major European countries, France, Britain, the Federal Republic of Germany, compete fiercely in selling arms to all the fascist and racist countries, in particular South Africa, countries which then use them to crush demonstrations by men and women fighting to protect their dignity and their freedom.

Just now, mention was made of the judgement recently pronounced by the Commission on Human Rights in the complaint lodged by Ireland. It is quite true that this judgement, even if slightly cautious, recognizes that serious infringements of human rights have taken place in Ireland.

And because we are at the Council of Europe, should we once again keep silent about Turkey? The matter really is important. I shall be quite brief, because I have had many opportunities at Council of Europe sittings to say something about that subject. So I will just remind you that Turkey is one of the countries that commits the most serious violations of human rights, particularly in regard to the Greek Cypriots, and that she has been severely condemned by the United Nations unanimously, by the Red Cross, by Amnesty International and by the Commission of Human Rights. And yet all that does not prevent her sitting as a member of the Council of Europe.

Why this inertia ? There are many reasons, but I will mention only two, as my time is nearly up. One is the conviction that some countries must not be upset because they are members of NATO ; the order is that it is preferable to remain silent when countries provide important markets. I think in acting like this Europe is making a profound mistake.

In conclusion, I want to associate myself with what the President of the Austrian Republic so rightly recalled to us, that the international campaign for the protection of human rights begins with the campaign that we must wage in our own countries. It is quite true that this campaign will be difficult, that it may harm certain material interests, that it may cause some personal risk, but we must have the courage to accept these difficulties and to run these risks. Failing that, there is no point in debates like today's. Their only result can be hypocritical concealment of the misery and suffering of free men dying daily under torture in the prisons of fascist countries.

**President.** — I call Mr Ryan.

**Mr Ryan.** — It is a great pleasure to return again to the Council of Europe. When my colleagues and I first sat in the Council of Europe, you, Mr President, were one of the most sincere and vehement defenders of human rights, and it is a great privilege for me to return on this occasion and find you President of this Assembly.

In the last five years I was a person without human rights. I was a Minister for Finance during a period when the European economy was in the middle of a recession. In that situation very few people were prepared to recognize that even a poor Minister had any human rights.

Chauvinism, polemics and confrontation between nationalities or ideologies cannot be of assistance in the protection and assertion of human rights. The rights of individual man are superior to, and antecedent to, any political consideration. Therefore, in anything I say shall deliberately avoid laying

blame on any authority for lack of respect for human rights. If I offer criticism—and I shall—I trust that all will accept that I am concerned only with the welfare of human beings of all nationalities, without regard to the ideological or racial complexion of the regimes under which they live.

Abstract respect for human rights is easy. We all declare ourselves to be on the side of the angels, but a human rights debate will be futile if we do not deal with specifics.

We share common pride in Europe, not only in the European Convention of Human Rights but in the unique institutions which we have in the Commission and Court of Human Rights to ensure observance of the obligations of the Convention. Our conviction that the European approach to human rights is the best means of achieving fundamental human good, social, political and economic rights leads us to work in Europe to secure the implementation of the rights set out in the Convention and, further, to endeavour to receive respect for these rights across the world.

We should therefore be very concerned whenever we observe weaknesses in the operation of the European machinery for the protection of human rights.

Last week the European Court of Human Rights delivered a judgement on a complaint, which is now more than six years old, to the effect that inhuman and degrading treatment and torture had been applied, as an administrative practice, on detainees in Northern Ireland. It is important that both the British and Irish Governments agreed to submit the disagreement on this matter to the jurisdiction of the European Court, and on that all Europeans should rejoice.

Whatever views parliamentarians and others may have about all aspects of punishment, I submit to all my colleagues that it is not acceptable that over six years should have elapsed before the European Court passed judgement upon a serious complaint. In fairness to the victims of misconduct and in the

interests of natural justice, not only to victims but to the alleged perpetrators, it is imperative that measures be taken to expedite the procedures of the European Commission and the European Court of Human Rights, or we shall lose the popular support which is necessary for the respect of human rights and the institutions we have provided to protect them.

Time and diplomacy do not permit me to examine in detail the findings of the European Court in relation to Northern Ireland, but without engaging in any debate on the merits of the judgement, one aspect of the verdict must alarm us all because of its implications for observance of human rights within Europe and the respect which the rest of the world will have for Europe's attitude and behaviour towards human rights.

The Court produced a laborious distinction between inhuman and degrading treatment, on the one hand, and torture, on the other. It reminds one of the cynical suggestion that the only difference between rape and seduction is a matter of technique.

I have personally and humbly witnessed with my own eyes the injuries sustained by victims of violence by security forces in several countries—and I emphasize 'several countries'. I make no allegation against a particular one; I identify no one, there is no question of my being politically motivated against any nationality or ideology. I am appalled to think that Europe's institutions, six years after violent acts are committed by Government officials, are engaged in the futile luxury of classifying officially-administered violence as either inhuman and degrading treatment or torture, as though they are significantly different. I doubt whether a person being subjected to brutal treatment anywhere would see the relevance of a detached judicial view on the degree of unlawful violence being applied to his tender body or sensitive mind.

Has it come to this: that security forces bent on unlawfully assaulting persons in custody can apply violence until they reach the torture threshold as defined by Europe's institutions?

I fear that will be the result of last week's decision. I shudder to think of the uses to which those indifferent to human rights may put the recent judgement of the European Court, not only in Europe but throughout the world. This should give us cause for serious consideration without regard to any individual loyalties.

There is a view abroad that the denial of human rights is on the increase. Amnesty International has recognized 116 countries as being seriously in violation of human rights obligations. If that is so, why? It is not, I believe, as some would imply, due to Governments having a monopoly of evil. Criminals, for evil purpose or selfish gain in many environments violate human rights far more frequently and with much greater savagery than do most Governments. Control to prevent Government excesses is good. Equally important—and I believe we should concern ourselves in the debate with this aspect—or possibly even more important is international solidarity to prevent crime and terrorism to protect those whom we represent, the common people of Europe and, indeed, of the world.

**President.** — I call Mr Romano.

**Mr Romano.** — (*I*) Mr President, ladies and gentlemen, I agree with Mr Machete when he says at one place in his report that it is extremely hard even to define the subject with which we are dealing; and yet to define it is an essential duty. And he is correct because it is a notion that it is almost impossible to pin down, which remains elusive in that it is by nature connected not to a framework of dogmatic certainties but to a process, its reference framework moving and changing constantly.

And the first temptation we must avoid is that of believing that, as citizens of Western democracies we hold the key to solving this complex problem by taking—like Kissinger in the statement quoted in the Santer report—as our model ideological confrontation so that, in an area in which we should be thriving for unity we are, in fact accentuating the differences which divide the world.

We must appreciate that nowhere in the world, whatever the prevailing political system, are human rights fully guaranteed ; that there is a gap between the institutional and judicial achievements and the need for freedom and emancipation as proclaimed by our level of ethical and cultural awareness. And this is the horizon of our political commitment.

Undoubtedly it is easy for the average person in the West to recognize the *Gulag* as a symbol of the violation of human rights or to discern in the horrors of the Chilean tragedy the impotence of a ruling class which resorts to violence to regain control. But we know this is not all, we know that our first duty is to appreciate the complexity of the problem and that there are many ways, some of them underhand and subtle, by which basic human rights can be violated. I shall confine myself to mentioning a few : when mass education is only the prelude to mass unemployment we have the violation of a right, because the right to study and to culture cannot be made to be paid for by forced renunciation of the right to play a part in society's productive processes. Or when an abundance of consumer goods involves compulsory adherence to standards and types of behaviour dictated by mysterious centres of power, in such a case also there is an offence against independence and the right to choose to be different and to make one's own personal choices. There is considerable literature on this topic.

The problem thus arises everywhere even though it be in different forms, some of them more blatant, some more sophisticated. Realization of this fact must govern our attitude whenever the subject is raised. As our rapporteur, Mr Machete, said mobilizing international public opinion on the human rights issue has succeeded in laying the ghost of a spurious ideological discussion. Now I do not rule out the possibility that this assessment may be a trifle optimistic. I believe there is still a lot of work to be done to overcome prejudices, resistance and cultural backwardness. But there is no doubt about the need for a positive examination of all the efforts suggested for the purpose of advancing debate and discussion on the various attitudes. For example, it would be a senseless and unfortunate contra-

diction to use this subject to render the process of détente between West and East more difficult and complex when on the contrary it may thereby be enriched and given new meanings. The great currents of change at work in the world will call for an intensification of dialogue, negotiation, calm discussion, adjustment of existing institutions (including our own) and the creation of new institutions to administer this kind of relationship between States. The Helsinki Conference is behind us and the Belgrade Conference is now under way. Now is the time to develop a joint approach and the Council of Europe and the European Parliament which have met together in this hall today can play a leading role in this matter.

In my view the text on which we are to vote represents an acceptable and positive result not merely as the final act of the debate in which we have all jointly taken part here but as an expression of the sensible, calm attitude that it is possible for our institutions to adopt as well as a contribution to the development of a discussion of vital significance for the future of the whole world.

**President.** — I call Mr Johnston.

**Mr Johnston.** — On behalf of the Liberal Group of the European Parliament I would like to make some brief remarks. Both Mr Santer and Mr Machete have set the stage for us in an inspired and informative way. In the time available it would not be possible to examine and comment upon the whole spread of ideas which they have presented to us, so I propose to restrict myself to some short remarks on one aspect of Mr Machete's report.

I believe that whatever the political context in the world there are common human rights to which one is entitled in all situations. Perhaps that is not entirely a novel remark. After all, is not the Universal Declaration of Human Rights of the United Nations of 1948 both a recognition of this and, indeed, an affirmation of it?

But Mr Machete, as well as being clearly an idealist, is also a practical man, and in his introduction he shows us how differing political systems produce varying emphases on the definition of, and priorities within, the establishment of human rights. He compares and contrasts the pluralist democracies in Europe, the Peoples' Democracies and the Third World.

It is a political inevitability that we have to deal with people at different stages of economic and political development and it is unreasonable for us in Europe not to take full account of different economic and historical circumstances in judging others. But when all countries come together to enunciate global guidelines we should in no way hesitate to condemn any movement away from the pluralist aims we have refined over so many centuries.

It is for that reason that I wish to refer to paragraph 23 of Mr Machete's report, which quotes the Resolution on Human Rights passed by 126 votes to 0 with 11 abstentions by the Social Committee of the United Nations last month.

It seems to me, as a Liberal, that this resolution represents a move away from the emphasis on individual rights in discussing human rights to an emphasis on collective rights. I believe in Europe we should determinedly resist this. It was the Irish delegate in the debate in the United Nations who objected *to a resolution stating that collective rights must indispensably take priority over the rights of the human person*. And indeed, an amendment to add the words *of individuals* to the phrase *human rights* was defeated by 63 votes to 54, with 20 abstentions.

In the past Europe certainly bore much responsibility for war, colonialism and exploitation, but surely we have learned one basic lesson along the way, namely that no system of human rights which does not begin with the individual can protect the individual. If you begin, in the oft-quoted words of Vyshinski in 1948, when the Universal Charter of the United Nations was drawn up, believing that *human rights are a governmental concept and cannot be considered outside the prerogatives of*



*Governments*, you are, in my judgement, heading in a repressive direction. Guarantees of national unity and territorial integrity which in themselves are phrases with dictatorial overtones do not protect the right of individual men and women to act freely, to speak freely and to develop their personalities as they will. Where the nonconformist and the dissident cannot pursue his own ideas openly, the innovation of the human spirit shrivels and the door is opened to tyranny.

The pluralist society is Europe's great contribution to freedom. In the year ahead it will be the task of those countries of the Council of Europe and the European Parliament which attend the next Session of the United Nations Commission on Human Rights to emphasize this very strongly indeed.

**President.** — I call Mr Lewis.

**Mr Lewis.** — I am very sorry that our colleague from Ireland, Brian Richie Ryan, left after making his speech, because I wanted to attack what he said and I do not like to do it in his absence. I hope that he reads the report of the excellent speech made by John Prescott, who made a condemnatory statement of our own Government, as he has done in the British Parliament. In the British Parliament we have condemned our own Government and we will continue to do so when we think they are wrong. We believe that it is wrong for any Government to say that they did not know that torture was taking place, or that it was being done by people without their knowledge or consent. We say that the Government either knows or ought to know, and must take responsibility. We should condemn whoever does it, wherever it is done. Very often, as John Prescott said, there are 'cover ups'.

The suggestion that there should be a joint committee to deal with this matter is admirable. I suggest that this should be a committee of investigation of the Council of Europe and the European Parliament, which could be called upon in the event of any challenges on human rights, in whatever sphere and in whatever part of the Council of Europe of the European

Parliament. It should be an investigatory committee, free of Government intervention. It could then make its reports. So often Governments want to carry out their own examination. I do not trust Governments, whether Socialist or of other political complexions.

Very often the Soviet Union says 'You must not interfere on issues of human rights, because that is an internal affair'. Some Western Governments also take that attitude.

Not enough has been made of the more important aspect of human rights—that is, the human right to work. Almost every Government in Europe is creating and maintaining unemployment because it is in the financial interests of some of the big bankers and because, in the case of Britain, the IMF has told them to do so.

The most important human right of all is the right to know. Only in Sweden and in America does one have the right to know. The taxpayers and the ordinary members of the electorate, who, after all, pay the salaries of the bureaucrats and ministers, should have the right to know what is happening in respect of their personal records—excluding, of course criminal records—and what decisions are being made by the bureaucrats, allegedly on their behalf, before such decisions are made final. Let the people of Europe have the right to know what is going on, and many of the things that have been happening neither would happen nor could happen.

*(Applause)*

**President.** — I call Mr Dejardin.

**Mr Dejardin.** — *(F)* Mr President, ladies and gentlemen, I note that, as we expected, because there are no cinema stars in the gallery the photographers and journalists are also absent. Perhaps, Mr President, we would have done better to organize a joint debate on the rights of seals and human rights.

However, joking apart, I want to join our friend, Arthur Lewis, in what he said about the importance of human rights for the citizens concerned, for European citizens as individuals, and not just of human rights as some sort of ideal.

Democratic Europe owes it to itself to set a most scrupulous example in this field. We should begin by sweeping our own doorstep. The attitude of every government and its approaches to others should be dictated by respect not merely for the letter of the Convention, but above all for its spirit, and that not only in external relations, but—perhaps even more so—in its internal practices.

Is democratic Europe, our Europe, entirely free from suspicion? When we call to mind practices that are inhuman and degrading to mankind—a euphemism beloved of our European Court—such as the campaign of xenophobia and racialism fostered by certain activities like the publication of statistics designed to demonstrate the increase in the number of foreigners in the population without any demographic corrective, including among the immigrants, for example, children born in our countries and those resulting from the reunion of families, or—another example—measures designed to expel migrant workers, the absence of legislation to keep in check such acts inspired by racialism and xenophobia—no indeed.

To look at it from another angle, what are we to think of measures taken or planned on behalf of the maintenance of order or of the anti-terrorist campaign, but which limit or neutralize the exercise of individual freedoms: limited right of employment in the public services, the opening of letters, the bugging of telephones and other interferences with private life? What are we to think of the practice, which is spreading of administrative detention? What are we to think of the attack on the independence of judges and magistrates?

I will conclude very rapidly. This has been a very long debate. It is a great pity that the public cannot hear more about it.

I repeat that, in this matter, as in others, the press has a great responsibility, and if its representatives often seek our cooperation, we should also have an opportunity of meeting them.

The duty of democratic Europe is to uphold everywhere, and not only in the selfish interest of capitalism, the need to respect human rights. Democratic Europe has a right to demand that each of its Member States shall be free from all suspicion in this matter.

The European institutions should especially assume the important task of emphasizing—because the history of our peoples calls for us to do so—that respect for human rights must begin with the recognition of the rights of the individual in this work and in his daily existence.

**President.** — I call Mr Rivière.

**Mr Rivière.** — (*F*) Mr President, ladies and gentlemen, the final Act of the Conference on Security and Cooperation in Europe is an essential factor in the protection of human rights. By including that ideal among the ten principles which should govern relations between the States which participated in the Helsinki Conference, the 35 Heads of Government or of State in Europe and North America recognized its importance.

We have been reminded, since then, of its inclusion during the preparations for the Belgrade Conference and it has given rise to a great deal of discussion. From the political angle it has been set against the principle of non-interference in internal affairs. All that impassioned controversy shows the strength of the idea, though it is often understood very differently by different countries.

Respect for human rights, the basis for *détente*, is a principle of universal value. Its limited application, however, makes us wonder how to set about ensuring that it is respected.

During the last ten years, international relations in Europe have been marked by the development of détente. Willed and planned by General de Gaulle, détente has brought about a normalization of relations between countries with different social systems based on mutual respect and cooperation. New economic and political relations have thus been established between the countries of Eastern and Western Europe, leading to an acquaintanceship and an understanding which form the basis of fruitful relations, whether bilateral or multilateral.

But détente is a long-term objective. Its political, economic and military aspects have to be spelt out. Being a global concept, it cannot be other than dynamic. To mark time or to retrogress can only be fatal. The principles of respect for human rights and for non-interference with the Soviet Union, and the cooling off in relations between it and the United States which resulted, showed only too clearly how necessary it is to find a balance between these two principles which must be the foundation of any long-term agreement on the continent of Europe.

Being the basis of détente, human rights are now recognized as a universal principle, in spite of differences in interpretation. Respect for human rights has been the subject of too many papers in international parliamentary assemblies to mention them all here. Such consensus of opinion on respect for human rights is not, alas, entirely unambiguous. The developing countries are sensitive to being reproached on that score, objecting that such reproaches smack of neo-colonialism. The freedoms which are traditional and common to democratic States rank very low in their scale of priorities.

The countries of Eastern Europe have their own particular concept of human rights, based on these that are economic and social. Their approach makes them account of no importance the civil and political rights of the human person, whether concerned with free circulation of ideas or with religious practice, cannot be considered bourgeois, because infringements of human rights in many countries of the world, as much as the

development of modern techniques, lead us to wonder how to achieve greater respect for rights and freedoms.

A more detailed study of the theory of human rights in the twentieth century is needed if it is to have any effect on the legislation and constitutions of the various States.

This concept has, in fact, evolved under the twofold pressure of technology and economic development. Technological discoveries in the communications and information fields have led to the possibility of the card-indexing of every individual. Such a practice—which must be prevented at all costs, my friends—would inevitably involve a reduction in public freedoms in modern society, where data-processing will increase by leaps and bounds.

On the other hand, economic evolution has had a mitigating effect. Its good effects are essentially concerned with the fact that account is taken of economic and social rights which require restating. The concentration of capital has, unfortunately, had less beneficial effects where diversity of the press is concerned, so very essential, however, for freedom of information.

New legal instruments should therefore be forged to prevent these evil effects. This joint debate between the Council of Europe and the Community's European Parliament is a symbol of the unity of the European governments as regards the ideals of justice and democracy.

These ideals, of which the Council of Europe has made itself the champion for nearly 30 years, have in no way lost their immediacy. The principles formulated on the morrow of the Second World War are and must remain matters of current interest. At the same time, they need to be clarified and completed to adapt them to our technical, scientific and economic evolution. That, ladies and gentlemen, is our task in our parliamentary assemblies, whether national or international.

**President.** — I call Mr Brugnon.

**Mr Brugnon.** — (F) The protection of human rights is the subject of such frequent and such passionate debates in national and international assemblies, that this constantly repeated interest is certainly the reflection of deep-seated anxiety about the future development of fundamental freedoms, even in the countries where democratic tradition seems well established.

It is therefore permissible to feel some surprise at the optimism expressed by the Council of Europe Assembly Rapporteur, Mr Machete, who believes he can discern in Europe a tendency towards widening and refining human rights and fundamental freedoms. Unhappily, it is the opposite tendency which seems to be making itself felt in many fields.

The concentration of economic power, particularly noticeable in the Common Market countries where commercial integration has promoted the extension of multinational companies, the frequent inability of the political authority to respond to the hopes of its citizens in environmental matters or the right to work, the refusal of the European governments to take a firm and united stand on respect for human rights at international level, all these seem to bear very clear witness to a retrogression in basic democratic values.

It is precisely this retrogression that forces our European assemblies to discuss human rights once again.

Fresh difficulties have sprung up within the European Community with the creation of a vast network of supranational legislation creating direct rights and duties to benefit or be borne by European citizens. This is a new legal order which can no longer be controlled by the States, even when it conforms with national constitutional law, because that would violate the whole spirit of the Rome Treaty.

The Community's Court of Justice has therefore to ensure that the European institutions and States respect fundamental freedoms if these are threatened by the application of Community decisions.

In the last few years great progress has been made in this direction, in particular in 1974 and 1975, when the Nold and Rutili judgements were pronounced. This progress has however, been limited to a development in case—law which, by its very nature, cannot entirely meet the present need for protecting human rights.

We must therefore go beyond an immediate and liberal concept of fundamental rights and make a more total approach, which takes all rights into account and tries to define their relationship.

It is obvious, for example, that property rights and economic freedom are bound to conflict, as are the right to work and trade union action. There can be no recourse to court rulings, however enlightened they may be, to settle such conflicts. It will be for the European Parliament, once it is directly elected, to specify precisely and to define more clearly the conditions for the exercise of fundamental rights which it is the task of the European institutions to safeguard.

In the wider and more diverse framework of the Council of Europe, the European Convention on Human Rights, which is its basic charter of freedoms, needs looking into. There are still too many defects in that document, on which protection of human rights in Europe is based. In too many places, that is the result of a compromise between States, which sometimes means that it provides only a minimal guarantee. What is needed now, at the present stage of building Europe, is to add to it experiments recently tried out in many countries.

It is not only a new charter of rights that the European institutions should draw up. They should also make an effort to lay down an umbrella policy of freedoms which would make the promotion of human welfare the focal point of the European edifice.

It is no longer a case of adding social rights to political rights, but of reaching a more general and more ambitious



concept which will show that we are completely united on fundamental freedoms.

It is no longer a case of considering economic efficiency as an end in itself, without taking into account its effect on individual life and its true ultimate purpose, which is to guarantee full employment, the achievement of real solidarity between all concerned in economic activities, and participation in the major decisions affecting production and investment.

The protection of human rights should shape the whole building of Europe, for it is the yeast in the bread. Less than ever must we consider this a task that has lost its urgency and its immediacy. Above all, the progress already made must not blind us to obstacles still to be overcome.

**President.** — I call Mr Luptowits.

**Mr Luptowits.** — (D) There are certain truths about social life that cannot be repeated often enough. One of these concerns our common human rights, part of our precious fundamental law, the preservation and observance of which must be our constant battle. Recognition of human dignity is the underlying consensus on which the pluralist society is based. The idea of human dignity is also the starting point of the Universal Declaration of Human Rights, adopted by the United Nations General Assembly, by 40 votes to 0, with some abstentions, on 10 December 1948.

The European Human Rights Convention of 4 November 1950 is also based on this recognition. It is thus clear that contemporary declarations of human rights are rooted in the concept of human dignity.

If a human being comes into conflict with the society in which he lives, he still remains a human being. We should always bear this in mind in our speeches and negotiations. Yet we cannot confine ourselves to laying down principles at international level, and perhaps jeopardizing tangible improvements.

We politicians should not argue as preachers. There might conceivably be cases in which a human rights campaign taken to extremes could actually endanger individuals. We ought, therefore, to bear in mind the individual and his fate. We Austrians have endeavoured to avoid battles of words, and have tried all the harder to give practical help to those in need.

Our Federal Government, and especially our Federal Chancellor, have managed in hundreds of cases to help, and to achieve a satisfactory solution for the people concerned. Our experience in applying this policy encourages us to continue along the same lines. Each country should ultimately also stand up for the respect of human rights inside its own frontiers. Each one of us should be mindful of the dictum : to set his own house in order.

It is our view that even part settlements should be welcomed, and that at the same time we should endeavour to achieve comprehensive settlements. This, to my mind, is historical thinking.

At the Belgrade Conference, human rights have played and play an important part. It has sometimes seemed that the Conference would founder as a result of these questions. We should not be afraid of arguments, but I would prefer to place greater emphasis on the future. This should also apply to us in the Council of Europe Parliamentary Assembly and in the European Parliament.

As Peter Beneson, the British lawyer, remarked, you can open the paper any day of the week and be sure to find a report from some country in the world stating that some person or other has been arrested, persecuted or executed for his political opinions or religious beliefs. The reader feels cripplingly powerless. Yet if this feeling of abhorrence that is found throughout the world could only be converted into joint action, it might be possible to combat such occurrences effectively.

These were the words of Peter Beneson in 1961. He was

one of those that instigated the foundation of Amnesty International.

These words spoken in 1961 still hold good today. Indeed, they are more relevant than ever, although they date from 15 years ago. If we take stock, we will find no cause for rejoicing. Millions of people are persecuted, countless people fall victim to frequently indescribable injustice and cruelty, and political repression has become a way of government in some countries of this world. Is the realization of human rights indeed a vain utopia ?

Despite this, we should not lose heart. We should never cease to stand up for human rights, in speaking and in writing, because human rights must survive.

Let me add a few words about the further development of human rights. The Council of Europe should concern itself with this further development. Special attention must be paid to the collective development of human rights, without neglecting the traditional freedoms. Careful thought must be given to economic, social and cultural rights, and answers must be found, because our system of pluralist democracy will otherwise lose credibility, particularly for the countries of the Third World. An increased consciousness has grown up, and this could become explosive if we fail to take prompt account of developments.

Let me put forward one last idea. We ought to do more about human rights in education and schooling. The rising generation might be more concerned about social justice and less concerned with some of our generations' traditional ideas about civil and political rights. We should bring new, stronger emphasis to bear here. The CCC and UNESCO should develop models for human rights education. Experiments in this field should be compiled and publicized. I know that a start has been made in this direction, but we need to go further. In my own country I have tried to converse with the school authorities, and have suggested that the committee members of the League of Human Rights should make themselves available for discussions

with school children about the history of human rights and the problems of human rights in the world today. The response so far has been enthusiastic, and I hope that I will manage to continue in these talks, because we can never expend enough time and energy on human rights, in order that they, and we ourselves, may survive.

**President.** — I call Mr Mende for a personal statement.

**Mr Mende.** — (*D*) The German Bundestag has its debate on the budget this week and therefore authorized only three members from the coalition parties and three from the opposition to take part in this Joint Meeting of the Council of Europe Parliamentary Assembly and the European Parliament. We come here for the express purpose of expressing our position on matters of undoubted interest to us—Berlin, obstructions in the movement of people, and interference with the free flow of information.

To our regret, we have to be back in Bonn tomorrow morning. We therefore ask you to delete any of our requests to speak that are scheduled for tomorrow. We also regret the fact that, although we come here for two days for the sole purpose of this debate, and although only six German representatives were present instead of 18, we were yesterday morning given the places 28, 30 and 32 on the speaker's list. I wonder whether it is necessary to register by Christmas for the end of January if we are not to serve merely as tail-lights in future debates.

We will now take our leave, and ask you to delete our names from the list of speakers for tomorrow.

**President.** — I call Sir Geoffrey de Freitas on a point of order.

**Sir Geoffrey de Freitas.** — Mr President, we have agreed to stop the debate at 7.30. Will you discuss with President Colombo whether we can go back to the practice of having a full day for these joint debates? In Luxembourg the last time we had a joint debate there were nearly 20 Members on the list

who could not be called. I do not know the figures today. For many years we have had a full day for debate, or if not one full day, a Friday afternoon and Saturday morning at the end of the session. Furthermore, the date must be settled several months in advance so that members can make arrangements to attend.

I hope that we can have, first, a full day for debate in future and, secondly, long notice so that we can do the best that we can to ensure a full house. I ask you, Mr President, to discuss this with President Colombo of the European Parliament.

**President.** — I agree with you that that should be done. However, I can tell you that the date of this joint meeting was settled with President Colombo in July last year. It was agreed that committee meetings of the European Parliament would take place in Strasbourg in order to have a greater number of members here, but the committee meetings are being held in Brussels. I agree with what you have said, and I shall negotiate with President Colombo.

To conclude the debate, I call Mr Machete.

**Mr Machete, rapporteur.** — (*F*) Mr President, ladies and gentlemen, Mr de Koster has had to leave and has asked me to make his apologies to the meeting.

For my own part, there are a few short comments I want to make.

This debate, which has not run its full length because there has not been time for a great many speakers to take the floor, has nevertheless produced a consensus of opinion on several very important points.

Without taking things in any particular order, I would say that the speakers have been unanimous in agreeing that détente and the principle of non-interference do not justify any failure on our part to pass judgement on the way in which human rights are observed in the People's Democracies.

It is agreed that the European countries must organize themselves for the increased protection of human rights, and that these countries should not look only at what is going on outside, but also consider what is happening at home.

Where external relations are concerned, development aid and trade must depend on the way in which the other parties behave towards the problem of safeguarding human rights.

Mr Burke has made it quite clear that the Community believes that priority must be given to the protection and extension of human rights.

Concrete examples have naturally been mentioned on numerous occasions. I think we shall have an opportunity tomorrow, during the debate on the position of the political prisoners in Chile, to revert to this, because it is in fact only by studying how human rights are applied or infringed in practice that we can make some progress with the legal institutions that deal with them.

Obviously, in speaking about human rights—the rights of man—we are not forgetting women. But it is true that sex discrimination is still a striking infringement of human rights which takes place in my country too.

Finally, I want to say that not only the technical but the political problems of strengthening the institutions concerned with human rights in international law, are major problems in guaranteeing to our citizens integrity in the legal sphere. And I think some of the comments made both about the European Convention on Human Rights, the Commission and the Court, and about the right of individual appeal, deserve very careful consideration.

I may perhaps be allowed to add that Mr Scholten said something about the position of our Assembly which is not exactly in accordance with the facts. The Assembly has not turned down the idea that some of its members may accede to

the protocol to the United Nations Agreement. Rightly or wrongly, we simply advised caution.

In conclusion, in spite of everything, I think we should be optimistic because it is faith and optimism that move mountains. But obviously such optimism must not make us forget that all politicians must be realistic and pragmatic and that our progress depends on our determination to achieve our ideals where human rights are concerned, never forgetting that the human rights problem cannot, obviously, be solved in a day, and that its solution will always require a sustained effort by the men and institutions concerned with human rights.

**President.** — We have come to the end of the Joint Meeting, and my feeling now is as bad as it was last year in Luxembourg, when a similar situation arose. There remained a long list of speakers who could not be called. The same has happened today. It is very unfortunate.

I think that Sir Geoffroy de Freitas is right, but all that we can do is to ask him take up the matter in the European Parliament. If the European Parliament agrees, we can do what he suggests.

Nevertheless, I believe the debate was good and important, and I thank Members for their attendance.

### ***3. Closure of the Joint Meeting***

**President.** — I declare the Twenty-Third Joint Meeting of the Members of the Parliamentary Assembly of the Council of Europe and the Members of the European Parliament closed.

The meeting is closed.

*(The meeting was closed at 7.35 p.m.)*



OFFICE FOR OFFICIAL PUBLICATIONS  
OF THE EUROPEAN COMMUNITIES

Boîte postale 1003 — Luxembourg

Catalogue number : AX-24-78-015-EN-C