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of the Committee on Foreign Affairs and Security

on Human rights in the world and
Community human rights policy
for the years 1991-1992

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- PART B: EXPLANATORY STATEMENT -
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B.
EXPLANATORY STATEMENT

This sixth report on 'human rights in the world and Community human rights policy' comes at a time of very significant evolution in the human rights policy of the Community towards third countries. Furthermore, the Community is being confronted to a much greater extent with human rights questions which are linked to issues within the Community. Human rights have now developed from being a secondary political consideration and have increasingly become a priority aspect in many policy areas.

This report will focus more on policy developments than was the case with the previous report which sought to make a global evaluation of how respect for human rights was being affected at a time of dramatic political change (most significantly in the countries of Eastern and Central Europe), and intense turbulence in various parts of the globe. It has to be said that, with more than 30 wars currently raging, the situation is not much clearer today.

In many countries there is still utter contempt for human rights in spite of the adherence by most governments to the relevant international conventions, treaties and declarations. Despite the general acceptance of the international 'Bill of Human Rights' (i.e. the principal UN instruments), the principle of non-interference (often citing Article 2(7) of the UN Charter) continues to be evoked by governments accused of clearly established violations of human rights. Many countries still take the view that human rights are a matter of national sovereignty, and this is reflected within the UN and CSCE in spite of the principles which these bodies are pledged to uphold.

Since the start of the 1970s the European Community and, in particular, the directly-elected European Parliament have discussed human rights problems. It was clear that the EC, a community of law comprising twelve nations committed to democracy under the rule of law, could not stand aside from such issues.

The EC faces a major policy-making challenge in seeking to press for the observance of human rights norms here in Europe and throughout the world. The period under review in this report has seen significant steps taken towards shaping that policy. However, despite the EC declarations and guidelines which have been adopted in the course of the past year, these new policies are still very much in an initial phase.

Positive measures and 'conditionality'

The most significant policy document in this connection is the Council resolution on 'human rights, democracy and development cooperation policy', which was formally adopted by Council on 28 November 1991, on the basis of a text by the Commission. This had been strongly influenced by thinking in national capitals. Some Member States have begun to put into practice their own 'conditionality' criteria. This kind of thinking has even begun to have its effect at the United Nations, as shown by the publication in 1991 by the UNDP of the controversial "Human Freedom Index" ranking of UN Member States.

The November 1991 Council Resolution states that its objective is to take initiatives to provide active support, for example, for:

- efforts by countries to establish democratic structures and improve their human rights performance;
- the holding of elections, the setting up of new democratic institutions and the strengthening of the rule of law;
- the strengthening of the judiciary, the administration of justice, crime prevention and punishment of offences;
- promoting the role of non-governmental organisations and other institutions which are necessary for a pluralist society;
- the adoption of a decentralised approach to cooperation;
- ensuring equal opportunities for all.

In clearly setting out these principles, which are also taken up in the PHARE programme, the EC could be said to have put into effect the demands made in certain previous EP annual reports for clearer policy guidelines to be laid down.

Previously, the Community, for some fifteen years - in particular since the first direct elections to the EP in 1979 - had adopted an 'ad hoc' policy in reaction to human rights abuses in certain countries. The most flagrant examples were Uganda under Idi Amin and the Central African Republic under President Bokassa. In total there have been more than twenty instances since 1979 where a form of sanction has been applied by the EC because of human rights violations, most recently in the cases of Sudan, Malawi, Haiti and Zaire with the suspension of programmable aid. There has also been pressure exerted at a more discreet level in a number of cases, using policy instruments (for instance ongoing trade negotiations) at the disposal of the Community at a particular time.

In May 1992 the Development Council, emphasised the need, while taking appropriate flexibility into account, to ensure that the resolution of November 1991 is implemented coherently and in a coordinated fashion with regard to all partners. As can be seen from past experience, this will not be easy and the Community must ensure that it does not leave itself open to charges of hypocrisy and double standards.

Another significant statement was adopted by the Council, also in May 1992, at the General Affairs/Political Cooperation meeting:

'The Council stresses that respect for democratic principles and human rights, as defined in the Helsinki Final Act and the Charter of Paris for a New Europe, and the principles of the market economy are essential components of cooperation or association agreements between the Community and its CSCE partners. The Commission is requested to act accordingly to ensure that agreements to be concluded by the Community contain an appropriate mechanism which is operational in emergencies, including provisions relating to non-fulfilment of obligations. In the context of a political dialogue with the five countries of Eastern and Central Europe, the Community and its Member States will inform their partners of the importance they attach to the principles referred to above'.

The resolution of the Development Council of 18 November 1992 made further major commitments, notably that "Member States and the Commission will hold an annual exchange of views on their activities taken within the framework of the (Nov. 1991) Resolution, both on the basis of the Commission's annual report on the implementation of the 1991 Resolution and on the basis of information supplied by Member States."

With regard to on-the-spot coordination it was agreed that the Commission and Member States would work together closely: "Where appropriate they may submit joint reports to their relevant authorities containing analysis and evaluation of the situation."

The Maastricht draft treaty also reflected these developments in human rights policy and states explicitly that the Union shall 'respect fundamental rights as guaranteed by the European Convention'. Although with regard to human rights the most significant references in the Treaty concern citizenship and cooperation in the spheres of justice and home affairs (taking in such issues as asylum and immigration policy), the treaty also states explicitly in the provisions on a common foreign and security policy that the development and consolidation of democracy, human rights, fundamental freedoms and the rule of law are among the objectives of a common foreign policy. Similar commitments are made in the provisions on development cooperation.

It must be stressed that any measures taken on human rights grounds should be subject to the fullest possible parliamentary scrutiny. It is noteworthy that, in the past, very frequently EC measures taken against countries grossly in breach of human rights norms have been prompted by the European Parliament.

Parliament will be vigilant in overseeing the implementation of these policies, and in pressing for their further development. It is important that adequate monitoring mechanisms and a nucleus of staff are established in EC institutions, particularly the Commission, for the assessment of human rights, making use also of outside expertise.

Parliament has repeatedly expressed the view (in previous annual reports) that one Commissioner should be designated as primarily responsible to ensure coordination, coherency and transparency in applying the EC's human rights and democratisation policies, both within and outside the Community. Any evaluation mechanism or structure, which should also provide for a form of 'early warning' system, should come under the direct responsibility of this Commissioner.

Human rights clauses should be systematically included in all agreements, not just in those with certain countries. This applies also to multi-country agreements. In particular, such references should figure in all the so-called 'new generation' agreements. It is important that these references should be included in the articles and not in the preamble and that the Community should keep pressing, as indeed it is committed to (cf Luxembourg Council Communiqué of June 1991), for one standard clause to apply in all agreements. The eventual objective should be for more evolved references, as in Lomé, and for a clause which provides for suspension of an agreement if human rights are not adequately respected, as in the agreements with the Baltic States and in the text recently negotiated with Romania (though the formulation in the latter case is slightly different).

It should not be assumed that many third countries would reluctantly accept such human rights provisions in agreements. A number of 'new' countries carrying out reforms see in the call for respect for human rights a way of reviewing domestic policy as their legal systems laboriously break with old authoritarian structures and with their new democratic constitutions at risk as they search for a more human future.

In connection with agreements with third countries, mention should be made of the proposal from Parliament that at Cooperation Council meetings there should always be a human rights point on the agenda, with the participation of an EP spokesman on human rights. The role of cooperation councils with respect to human rights, and their possible suspension, was strongly brought out in the resolution adopted by Parliament at the January 1992 part-session at which the protocols with certain Maghreb and Mashreq countries, and Israel were debated¹.

Where agreement cannot be reached to include a human rights clause in an agreement, the EC could state in a unilateral declaration the fundamental importance it attaches to respect for human rights and the promotion of democratic values, its support for political reforms in countries with which it has cooperation relations and its determination to promote with such countries the development of relations founded on equality, liberty, justice and progress.

Annual memorandum on the human rights activities of the Twelve

The memorandum by European Political Cooperation, or in 1992 'The Community and its Member States', has been submitted to Parliament and its Foreign Affairs Committee since 1986. Though not comparable in scope to the US State Department's report to Congress, this memorandum on the human rights activities of the Twelve does provide useful indications of policy. In 1992 this was submitted by the Portuguese Presidency and is annexed to this report.

This text, whilst still not going as far as Parliament would wish in providing detailed information about the human rights activities of the Twelve and specific démarches and their effect, went a very considerable way to meeting requests about the contents of this report which had been made to the Portuguese Presidency by the European Parliament's Human Rights Subcommittee and the Foreign Affairs Committee.

Not surprisingly the 1992 memorandum focuses very much on the new policy developments. It also acknowledges the need for a much strengthened regular dialogue and exchange on human rights between the Community institutions generally and in particular between Parliament and European Political Cooperation, or in future the Common Foreign and Security Policy (CFSP), as foreseen in the Maastricht draft Treaty.

The Parliament would wish to see this memorandum complemented in the coming years by a regular full report from the Commission on human rights/budgetary implementation.

This should be drafted under the responsibility of one Commissioner and would report on the utilisation of funds for human rights-related activities both within the EC and in other parts of the world. It should provide a detailed country-by-country or region-oriented listing, together with an appreciation. Such a document could evolve from the commitment of the Commission to report annually on the application of the conditionality policy, and could be an expanded and more thorough version of this report, the first of which, submitted in November 1992, is annexed to this report. The memorandum and the Commission's report would thus become two parts of what could be viewed as a single compendium. This would be very much in the spirit of the views

¹ OJ C 39, 17.2.1992, p.50

expressed by Council during the Portuguese presidency, and set out in the Development Council Resolution of 18 November 1992.

This would reflect the Commission's increased involvement in the promotion of human rights protections around the world, which should become a matter of public record, open to scrutiny by Parliament. The Chairman of the Foreign Affairs Committee, Mr Baron Crespo, in April 1992 wrote to Commissioner Matutes to seek a formal commitment from the Commission to report to Parliament in writing on the way EC policy was being 'conditioned' by the human rights situation in third countries.

Political Cooperation, the Commission and the Member States are still not coordinating their actions in the human rights field sufficiently. One example which was noted by the Foreign Affairs Committee which held a public hearing on human rights in East Timor in April 1992 was that although the Twelve took a strong position following the November 1991 Santa Cruz massacre, calling for an impartial international inquiry, individual EC governments differed significantly in the ways in which they then reviewed their bilateral relations with Indonesia.

In connection with policy guidelines it should also be recorded that 1991, in addition to the statements already referred to, saw the adoption of two further significant declarations on human rights by the Community, building on the declarations of 1977, 1978, 1986 and the preamble to the Single European Act:

- Declaration of the European Council of Luxembourg of 29 June 1991.
- Declaration by the European Council of Maastricht on 10 December 1991 on Racism and Xenophobia.
- Communiqués by the Twelve on 10 December 1991 and on 11 December 1992.
- Resolution of the Council and of representatives of Member States meeting in the Council on 18 November 1992 on the implementation of policy on human rights, democracy and development.

Democratisation

Originally it was the objective of Parliament in its annual reports to essentially limit its consideration of human rights violations to three fundamental human rights: The right to life; the right to respect for the physical and moral integrity of the person, and the right to a fair trial by an independent court.

These were deemed to be the most important requirements of the international 'Bill of Human Rights' and three of the most basic rights which cannot, under positive law, be made dependent on a legislature or be constrained in scope by it. Man cannot be denied rights which are innate to him. It goes without saying that the European Parliament, in its work, takes as its standards of reference the span of non-derogable rights contained in the European Convention and the UN Covenants, and with regard to conflict situations (as in former Yugoslavia, Israel and Somalia) the provisions of international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilians in Time of War.

The previous annual report examined in some detail the phenomenon of emergent democratisation around the world, pointing out that the new democracies were

often very fragile, and in some cases even did not necessarily offer better human rights protection than more authoritarian regimes.

Nevertheless, it has always been firmly maintained by Parliament that democracy and the rule of law firmly rooted in a country is the best means of guaranteeing respect for human rights.

However, many newly 'reformed' countries often have little understanding of the complex functioning of democracy and cannot put into effect a fully-fledged democratic apparatus. All too frequently, reforms are expected to lead to rapid economic progress, which usually cannot occur after a long period of economic mismanagement, particularly in countries which previously were subject to planned or state economies. Democratic 'experiments' will seldom bear fruit overnight. Democracy is a slow process. The aim must be to ensure that progress is maintained towards this goal, even though there may be setbacks.

It is of great concern that the democratic gains made, have been accompanied in much of the world by a turning inwards, the resurgence of aggressive self-interest, sometimes compulsive nationalism, community fanaticism and religious fundamentalism. Although we have moved forward toward more universally accepted democratic values, there is at the same time a crisis of collective identities.

Despite the emergence of new conflicts and problems, there is no question that the end of the 80s and the beginning of the 90s have been a time of great progress towards the recognition of human rights norms in parts of the world where they have long been denied. The events in Eastern Europe in 1989, changes in Central and South America and in Africa reflect people's increasing awareness and maturity about their claim for human rights.

At the same time, it has been increasingly recognised that classical political and civil rights are very closely linked to economic, social and cultural rights. This has gone hand in hand with the tendency for the emergence of pluralism and democracy.

There should not, however, be any illusions. Achieving democracy takes time and effort. Democracy is not an easy form of government to maintain, especially in countries that lack an educated populace, a substantial middle class, an established market economy, and a democratic culture.

Much of this progress towards democratisation can be traced back to the collapse of Soviet rule in Eastern Europe, and the subsequent dissolution of the Soviet Union itself. As a direct result military involvement in El Salvador, Nicaragua and other places in Latin America ceased, while support for Cuba is ending; assistance to Communists in Africa has all but stopped; aid to Communist client states in Asia also dropped.

But, despite the end of the Cold War, human rights issues have not become depoliticised. And it must be admitted that in many situations EC foreign policy is still often guided less by human rights/democracy considerations than by realpolitik.

The seizure of Kuwait by Iraq, where the world was prepared to go to war to defend the independence of Kuwait can be compared with the situation in East Timor (the subject of a public hearing by the Foreign Affairs Committee on 23 April 1992) which is analagous in many respects, and where the Western community

has not been so motivated to take action. In the case of disintegrating Yugoslavia, the European Community and the international community has been justly criticised for taking yet another approach, and for simply failing to find a common policy, thus contributing to the outbreak of a war and the most appalling human rights violations.

Funding for human rights and democracy

No democratisation policy can be implemented without significant financial resources being made available and in this respect there has been very considerable Community progress.

In 1992 the Community moved towards establishing a worldwide democracy fund¹ ('The European Democracy Initiative'). Training and exchange programmes exist for civil servants from emerging democracies. In the development budget in 1992 budgetary provision was made to fund the 'conditionality' policy, with a significant proportion of this funding channelled to and through NGOs, for promotional activities. A now well-established multi-annual rolling programme is evolving to support the democratisation process in Central America. Other budgetary provisions include funds disbursed by the European Human Rights Foundation and other grants disbursed directly by the Commission from budget line A-3030.

At the 1991 Managua meeting with Central American countries, the EC foreign ministers emphasised the importance in the multi-annual programmes of the promotion of human rights. Some programmes are intended primarily for persons taking on responsibilities in public life, beginning with members of police and security forces and personnel of judicial administrations. A particular feature of the programmes will be the organisation of training courses and practical information on human rights.

Despite the significant increase in EC budgetary allocations in this sphere, we must recognise that the funds available remain relatively modest compared with those provided by the United States, through various bodies and foundations, as well as by the US government.

As stated by the rapporteurs for opinion on the budget for the Foreign Affairs Committee in 1991 and 1992 (Newton Dunn and McMillan-Scott), the use of these funds must be properly monitored and scrutinised. There should also be greater central coordination between the various Commission departments involved in the disbursement of these funds to ensure coherence. Also every effort should be made to ensure that these allocations have a multiplier effect.

The objectives of the strategy of the Foreign Affairs Committee in the 1992 budget procedure was that budget lines funding human rights activities and promotion of democracy should be grouped together to increase transparency and to ensure that common coherent standards and criteria were applied.

One should here stress the importance of the development aid budget which is large in Community terms and also has a growing human rights dimension. In addition, there are heavily funded policies with strong political/human rights

¹ Doc. A3-45/92 adopted 14.5.92, OJ C 160, 15.6.1992.

implications in various parts of the world (eg. support for the activities of UNWRA, funding of SADCC, the programme of positive measures against apartheid).

Some relevant figures were given in March 1992 by Commission Vice-President Manuel Marin who said the Commission and Member States had been providing about 40 per cent of official development assistance to Angola since the mid-80s. Marin said that through the Community's Special Programme for South Africa, 170 mECUs have been provided since 1986 for more than 400 projects. This year's contribution has been increased to 80 mECUs demonstrating the Community's will to support the most vulnerable areas of society.

In this perspective the Community budget may be seen as progressive, but, it should be stressed again, the European Parliament is concerned that the use of these funds should be properly monitored.

Furthermore, the Community should seek greater representation on bodies which are major recipients of funding. One significant example is the UNHCR where the Community and its Member States are the world's biggest donors, providing 41% of UNHCR's total funds, but are not represented on the executive committee.

Inter-institutional cooperation

In this year's memorandum on the human rights activities of the Twelve, the Portuguese Presidency stressed that it did seek to respond to the initiatives of Parliament. The number of human rights initiatives of various kinds stemming from Parliament is far greater than EPC can easily react to, even with an increase in EPC/CFSP activity and resources. (At the instigation of Parliament a working group on human rights was established within EPC in 1987.)

Future EPC/CFSP working groups should provide a summary drawing attention of the EPC political committee to points the EP considers important for future action.

There is still a long way to go in cooperation between Parliament and EPC/CFSP. On 16 January 1986 in Strasbourg President-in-Office van den Broek, at the start of the Dutch presidency, said: 'The Netherlands Presidency will also specifically endeavour to ensure that the mutual exchange of information between your Parliament and European political cooperation is possible on as regular and fruitful a basis as possible, in order to bring about a genuine dialogue. We and you act separately far too much. In our cooperation, the aim should not merely be to inform one another of our respective positions. Rather, this will involve listening to each other, on the basis of the real situation obtaining at the time, getting accustomed to each other's positions, supplementing them and, in some cases, concurring with them, so as to increase the ultimate effect of our action.'

It is now more important than ever that there is closer cooperation and coordination between the institutions in the field of human rights.

This should be facilitated if, as called for by previous rapporteurs, an inter-institutional working party is established under the aegis of senior representatives of the institutions. Officials involved in the human rights sector would thus have available clearer channels of communication and coordination. To date this has not been put into effect but this is more than

ever necessary and should be discussed between the Presidents of the three major institutions.

The Council of Europe and CSCE

As the oldest established post-war organisation for the promotion of European integration, the Council of Europe remains central to the European ideal as guardian of the European Convention on Human Rights and Fundamental Freedoms in its (currently 27) Member States through the institutions of the European Commission on Human Rights and the European Court of Human Rights. The Council of Europe was founded in the belief that justice and peace were best maintained by an effective political democracy and 'a common understanding and observance of the human rights upon which they depend'.

As a result of the collapse of the Soviet regime, the Council of Europe's membership has expanded with new Members from Eastern and Central Europe and additional countries acquiring observer status which has given the human rights work of the Council of Europe a new dimension. The human rights standards set by the Council of Europe have been a major reference point for the newly democratising countries of Eastern and Central Europe, with the provision of technical expertise in drafting new constitutions and legislation.

Previous reports have pointed out the danger of overlap between the various human rights 'systems' currently existing in Europe - most notably the European Convention, CSCE mechanisms and certain Community legislation which has human rights aspects. This danger of duplication is one of the reasons why the European Parliament has pressed Council to accept that the Community should adhere to the European Convention on Human Rights (cf. November 1990 communication from the European Commission). The European Parliament endorses the Declaration of July 1991 by the European Council 'welcoming the readiness of the Council of Europe to put its experience at the service of CSCE'.

CSCE has emphasised in 1990 and 1991 the human rights component of the Helsinki process with many important human rights affirmed in the June 1990 Copenhagen document. Minority rights and the right to representative government were of particular significance in this text. This reaffirms, as did the CSCE 'Charter of Paris for a new Europe', that human rights is not a separate 'basket' of issues, but an integral part of the whole subject of security and cooperation. The existing implementation mechanisms, however, are inadequate or at least very fragile.

The incorporation of new states into the CSCE process such as those of the former USSR is politically necessary, but they do not for the moment make any easier the realisation of the 'human dimension'.

One of the most important commitments in the final declaration at the CSCE conference in Copenhagen in July 1990 concerned the establishment of a common legal area. Very considerable progress was also made on normative action. The Moscow 'human dimension' meeting in 1991 laid the foundation for a system of missions of independent experts or rapporteurs concerning the human dimension.

The Subcommittee on Human Rights had an interesting exchange of views in June 1992 on human rights with the Vice-Chairman of the Legal Committee of the Parliament of the Russian Federation, Mr Zolotukhin, who has been very involved

with the drafting of new legislation to protect civil and political rights, and who indicated very graphically some of the current and impending dangers.

Inter-ethnic tensions and aggressive nationalism destabilizing the emerging democracies of the region could best be addressed through adherence to the principles and commitments enunciated through the CSCE process, taking into account the conclusions at the 1991 Geneva meeting of CSCE experts on national minorities. Failure to observe these rights and provide the means to guarantee them can, as we have seen in ex-Yugoslavia, lead only to tragedy and human suffering.

One of the lessons of the raging conflicts in ex-Yugoslavia is that an international system must be devised, possibly within CSCE, for the active protection of minorities. (One very far-reaching idea which has been aired is that in certain instances a beleaguered minority - such as 'stateless' refugees from Bosnia-Herzegovina - might be given some form of automatic European citizenship.) The 1951 UN Convention makes no provision for refugees caught in civil wars.

With regard to the situation in Yugoslavia, CSCE was initially looked to as a possible framework for action, but because of its inadequate institutional structure was quickly disregarded. Subsequent EC and UN efforts have been tragically unsuccessful to date.

The CSCE Oslo Seminar on Democratic Institutions in November 1991 was significant only for the absence of progress made and showed only too clearly the difficulties in establishing the role of the Warsaw-based CSCE Office of Democratic Institutions and Human Rights. At the Council of Ministers' Meeting of the CSCE in Prague in January 1992, however, there was the important agreement to apply the 'consensus minus one' principle in the human rights domain. The Council decided that 'in order to develop further the CSCE's capability to safeguard human rights, democracy and the rule of law through peaceful means, that appropriate action may be taken by the Council or the Committee of Senior Officials, if necessary in the absence of the consent of the State concerned, in cases of clear, gross and uncorrected violations of relevant CSCE commitments'.

The Final Document adopted by the Helsinki Review Conference in July 1992 ('The challenges of change') confirms these developments, although it remains to be seen if the institutions established will be sufficiently robust to put CSCE commitments into practice.

Human rights is a predominant concern throughout the Final Document which addresses the CSCE's role in peacekeeping and conflict prevention, early warning, crisis management and dispute settlement. There is a specific section (VI) on 'The human dimension'. The text also addresses problems of asylum, migration, refugees and nationality, and formally establishes a High Commissioner on National Minorities.

A number of initiatives have already been taken following the conference, such as the sending of long-term monitors to Kosovo, Sandzak and Vojvodina and the dispatch of a mediation team to Georgia to arbitrate in the conflict in Ossetia and authorisation of similar CSCE missions to Nagorno-Karabakh, Moldova and Estonia.

As this activity is developed it is important that CSCE carries out its activities with greater transparency than hitherto and that fact-finding and monitoring operations should be distinguished from those undertaken in the context of preventive diplomacy.

As stated earlier, there is a close link between CSCE and the European Convention on Human Rights, which remains the primary European standard-setting instrument in the human rights sphere. Significantly a report adopted by the Council of Europe Assembly in May 1992 called for CSCE Members which are not Members of the Council of Europe to have access to the European Court of Human Rights and certain ancillary organs and services.

During the past year certain countries in Central and East Europe have shown considerable courage in adhering to the European Convention on Human Rights at a very early stage. The Council of Europe requested Hungary, Poland and Czechoslovakia to adhere to the European Convention and ratify as they joined the Council of Europe. Czechoslovakia, to its very great credit, adhered to the Convention in all its aspects, including the right of individual petition, with just one slight reserve on military matters. (It took France 24 years as members of the Council of Europe to ratify the European Convention.)

In the past three years, Eastern and Central Europe have been a major focus for EC humanitarian aid, notably Poland, Romania, Bulgaria, Albania and ex-Yugoslavia, and now also extending to the states of the former Soviet Union. It is important that the specific human rights dimension also is taken into account in aid programmes.

The conditions governing assistance under the PHARE programme (aid for Eastern and Central Europe by 24 Western states under the overall responsibility of the Commission) include observance of human rights in addition to the demand for the rule of law, the creation of a multi-party system, the holding of free and fair elections and economic liberalisation. Budgetary provision to support democratisation within the PHARE programme resulted from EP budgetary amendments in 1991, tabled following discussions in the Foreign Affairs Committee and the Human Rights Subcommittee.

Minorities

Safeguarding the rights of minorities and of ethnic groups is interlinked with the protection of basic human rights. Guaranteeing minority rights is currently more a matter of goodwill than of law. In most states there is still no adequate legal framework. Moreover, this question will become politically more complicated as a result of the establishment of new minorities (second or third generation migrants).

Concern about minority-related issues in the international human rights debate has been growing for years. It could be said that minority problems in Europe and in the Near East stem from political decisions taken at the start of the century and after two world wars. The consequences of these decisions have been painfully rediscovered by, among others, the Slovenes, Croats, Kosovo Albanians and Kurds. It is worth noting that globally fewer than 10% of the nearing 200 UN Member States are ethnically homogenous.

The disintegration of the Soviet empire, which denied human rights not only to individuals but to entire ethnic minorities gave rise to an identity crisis

which led to the eruption of violent nationalism. In the ex-USSR, guarantees for minorities will long remain a major political demand.

In the Member States of the Council of Europe and of the European Community the complexity of minority problems is demonstrated by the fact that, to date, it has not been possible to adopt a charter of rights of minorities and of ethnic groups. The Council of Europe is currently working on the elaboration of such a text which could become in due course an additional Protocol to the European Convention.

Article 27 of the International Covenant on Civil and Political Rights of 19 December 1966 states that: 'In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in common with other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.'

Many signatory states do not appear to have read or wish to put into practice this text, or similar references in the CSCE declarations. It remains to be seen whether more heed will be taken of the Declaration, which is not binding, adopted by the UN General Assembly in December 1992 on the rights of persons belonging to national or ethnic, religious and linguistic minorities.

There can be no doubt that with regard to Eastern and Central Europe, the issue of the status and rights of minorities will continue to loom large. It has been discussed at length in parliamentary institutions and in the media, as well as being the subject of various conferences including the 1991 Geneva CSCE conference on minorities.

The demand for self-determination should not be equated with the demand for democracy. Often the demand for self-determination is a tribalist demand that can end by narrowing rather than broadening the sphere of human rights. While pressing for the recognition of 'minority' rights, our position should be to support movements that recognise pluralism and to insist on the absolute value of the individual and the universal applicability of basic rights.

The European Community should take the lead in pressing for an effective charter of rights of minorities on the basis of the different models applied in some Member States.

In large measure, Western Europe has managed to grant the necessary rights and protection to its minorities but there is a danger of the resurgence of racism and xenophobia against particular groups. In a Europe looking for new forms of peaceful cooperation binding engagements within a CSCE context or otherwise are indispensable.

Adopting a report on minority protection and the resurgence of nationalism in Europe, the Conference of Local and Regional Authorities of Europe (CPLRE) called on the Member States to adopt provisions guaranteeing an equitable representation of minorities in national and local parliaments and in state bodies. It asks them to recognize and actively protect linguistic and cultural minorities, whether linked to a territory or not, in accordance with the principles laid down in the draft European Charter on Regional and Minority Languages.

The Community's commitment to respect for the rights of minorities is very clearly illustrated in our relations with Turkey where rapprochement with the EC since the restoration of democracy has been set back by the status accorded to the Kurdish population of Turkey to the point of, in 1992, obscuring the progress made in EC-Turkish cooperation in other spheres.

The foregoing remarks on Eastern Europe and Turkey reflect the fact that Parliament, whilst also taking a view on human rights problems around the world, has tended to focus most particularly on those countries with which we are geographically close or contiguous and have as a consequence a very close relationship.

Yugoslavia

The fact that a country at the heart of Europe, constituting the land link between two EC Member States should have witnessed one of the most savage conflicts to have taken place in Europe in this century, must make us reflect.

CSCE declarations and EC policy documents ring distinctly hollow when confronted with human rights abuses on a massive scale witnessed nightly on television screens, and which the international community has appeared powerless to halt. In Kosovo, the resistance of a minority to oppressive rule from Belgrade could lead to another bloodbath. At this stage the international community and the EC seems singularly unprepared to prevent a wider conflagration that could ensue, centred on Kosovo and Macedonia.

It is scarcely credible that such barbaric horrors should be visited by one ethnic group on another at the end of the twentieth century - summary executions, deprivation in concentration camps and countless atrocities and murders. The practice of 'ethnic cleansing' has brought back to us spectres from another age, nothing like it having been seen in Europe since World War II. In some regions there has been the eradication of an entire culture by destruction and killing, with the fate of countless women and children causing the discontinuity of whole societies.

There has been a tendency within the EC, and indeed the EP, to view the conflict in ex-Yugoslavia as essentially the eruption of long-suppressed ethnic feuds and hatreds. But although the ethnic dimension is ever present, many of the conflicts are political with their roots in the Tito era. Despite such terrible events and human suffering, the 'tribal' aspect of the conflict has seemed to some to explain, if not to excuse, what has happened. This is an unacceptable position.

Nor should the fact that such events should have taken place in a war situation obscure the wanton violation of accepted human rights codes, including the Geneva Conventions on the protection of civilians in time of war. The former Republic of Yugoslavia had also adhered to the two UN Covenants, as well as other international human rights instruments.

It is the duty of the international community to ensure that those responsible are made to account for their actions and that proper war crimes investigations are carried out. The UN Security Council has voted to create a war-crimes commission that will gather evidence of atrocities in the former Yugoslavia. The horrors of Yugoslavia argue strongly in favour of the establishment of a new form of International Tribunal which will try gross violations of human rights.

There is currently no adequate judicial mechanism for dealing with gross violations of human rights at an international level.

The Middle East - Fundamentalism

The Middle East certainly falls into the category of a region with which the Community is closely linked. Regrettably, by comparison with some of the other regions of the world - Africa, Latin America, Asia - there has been a singular lack of progress in the promotion and protection of human rights. Parliament is very clearly on record with regard to the abuses in countries such as Iran, Iraq and Syria.

Despite the common history and ethnicity of the Arab world, it has not - like Africa and Latin America - spawned a regional human rights mechanism. Efforts by such bodies as the Arab Lawyers Union have sadly brought negligible positive results.

The causes of human rights problems in the Middle East and North Africa are many and diverse and occur in a variety of political frameworks (dictatorship in Syria and Iraq, monarchy in Saudi Arabia, occupation by Israel in the West Bank and Gaza).

This report makes no pretence at a detailed analysis of the situation in individual countries in the region (which are covered in other Foreign Affairs Committee reports). However, reference should be made to the generalised upsurge in fundamentalism (albeit in different forms) throughout the region.

It should be stressed that the upsurge in fundamentalist religious trends is by no means limited to Islam. In India we have witnessed the horrific excesses which resulted from the assault by Hindu extremists on the Ayodhya Temple, and in former 'Eastern Bloc' countries religious proselytism has 'fundamentalist' characteristics. In many parts of the globe, religious zeal is stimulating intolerance and still more conflict.

The issues raised are extremely complex. The events in Algeria in 1992, for example, put the Western Liberal conscience before an acute dilemma. In short, was it right to use undemocratic means to save democracy? The FIS party won the election. But the FIS clearly favoured introducing Islamic law, banning non-Islamic parties and curbing press freedom. It could be said, therefore, that it was trying to use democracy to end democracy. Thus, the military-backed authorities can claim to be not flouting the constitution but saving it, not thwarting the popular will but preventing fragile democratic freedoms from falling into the hands of a minority pledged to destroy them.

Another factor is economic problems, exacerbated by colonial or neo-colonial feelings. In Algeria, for the teeming masses in the urban slums and adjacent countryside, with few worldly goods, religion may be their only solace. In some countries poverty in itself can be seen as a force for chaos, bigotry and war.

Islam may be to a degree reacting against an unattainable modernity exemplified by 'Western' culture. Is it, therefore, a problem of modernisation? In Turkey, a secular state and the first Moslem state to modernise, the powerful undercurrent of fundamentalism is held in check by a 'gentleman's agreement' between the main political parties, though there, too, it is growing in strength.

By contrast in Egypt, Morocco and Tunisia, among others, powerful fundamentalist movements, most notably the Moslem Brotherhood, threaten the political establishment. This is the case further afield in Pakistan, Afghanistan, Bangladesh, Malaysia and Indonesia. Fundamentalism is also threatening the ex-Soviet republics of Azerbaijan and Central Asia as Communist power thaws.

One should be careful, however, not to generalise about the 'world of Islam'. Baathist Iraq, Syria and Libya are also secular states. Islam in Malaysia and Indonesia is not to be compared with, for instance, the new Islamic establishment in Sudan. South East Asia's mixed races and faiths seem to recognise that they have to live together if they want to sustain their formidable economic growth rates.

One of the reasons for Western concern is that there has undoubtedly been an upsurge of the 'fundamentalist' movement within Europe. Their leaders are speaking out in Britain, France and Germany. Ironically, some leaders of this growingly confident movement are outlawed in their own countries, but can operate at will in the political freedom and pluralism of the Western European democracies, where they enjoy freedom of expression.

Nearly all the Islamic countries have signed the international human rights instruments, first among which rank the Universal Declaration of Human Rights and the Covenants on civil and political rights and on economic, social and cultural rights. No specific provision based on national, cultural or religious factors can validly be invoked to detract from the principles established by these instruments.

This also applies with regard to women's rights. In a country like Iran the strict application of a religious code amounts to nothing short of the persecution of half of the population.

The highly-respected International Commission of Jurists has publicly criticised the declaration on Human Rights in Islam prepared by the Islamic Conference, as being incompatible with international human rights norms and internationally agreed standards.

Yet, the Muslim world has a rich, ancient cultural heritage, which promotes the brotherhood of man rather than intolerance. In the past, Muslim societies have been able to live tolerantly with other religions in their midst.

It can be argued that Islam was the first religion to recognise basic human rights and almost 14 centuries ago it set up guarantees and safeguards that have only recently been incorporated in texts such as the Universal Declaration of Human Rights.

Today there is one fundamental difference between 'Western' and Islamic societies. Western liberal democracies are, without exception, secular. Religion plays no part in government. A truly Islamic state, however, would be one in which faith, a way of life, was embodied in government. It should be added that at present most Arab states are not religiously based.

Not all Muslims are similarly susceptible to the revivalist movement. It is probably true to state that in most countries large numbers of Muslims, if not majorities, would be opposed to living in a repressive warlike Islamist regime.

Solutions to mitigate the effects of fundamentalism can be found. Jordan, for instance, has dealt with the problem in a very creative way, by allowing parliamentary elections, abolishing martial law, and legalising the multi-party system. Indeed from a human rights perspective Jordan appears to be the most promising country in the Middle East.

Turkey's willingness to enter into dialogue with the Community on human rights matters within the framework of the EC-Turkey Joint Committee and also, in parallel, contacts between Members of the Human Rights Subcommittee and the Human Rights Committee of the Grand National Assembly have been of value. At present there seems to be no prospect of such a dialogue with the Maghreb or Mashreq countries. Turkey is, however, a secular state and a member of NATO and the Council of Europe. It is only natural, therefore, that in relations between Turkey and the EC close attention has been paid to human rights achievements.

A procedure for Written Questions and Answers on human rights matters of concern has been established between the EP and our Turkish counterparts. Although in many instances the answers provided have not proven satisfactory to MEPs, the fact that there has been a willingness to respond has been valued. It is hoped that this relationship will develop even further and direct institutional links established between the Human Rights Subcommittee and the Human Rights Committee of the Turkish Grand National Assembly.

ACP

Another group of countries with which the Community has very close links is the ACP group with its ACP/EP Joint Assembly meeting twice yearly. Mention has already been made of the programmes within the development framework for the promotion of human rights. The Lomé IV Agreement has included a more developed reference to human rights than in the past, thus justifying such activity. This, however, plays no role when utilising the EC budget line on democratisation in Africa.

A commitment to human rights has become one of the cornerstones of relations between the EC and 69 countries in Africa, the Caribbean and the Pacific (ACP) as laid down in the fourth Lomé Convention, which provides 12 bn ECUs of aid and loans up to 1995. The human rights references in Lomé are in fact among the most evolved of any of the EC's treaties or agreements with third countries.

The global democratic resurgence has had an impact on the Joint Assembly, and has affected the tone of its debates. 'Democratisation' can be said to have been the major issue of the two ACP/EC Joint Assembly sessions in the Dominican Republic and in Luxembourg in 1992. Regrettably, the latter session showed that the EC countries and many of their ACP partners still differ quite significantly in their perception of human rights/democratisation issues.

One of the main reports at the Luxembourg meeting dealt specifically with the link between development cooperation, respect for human rights and democracy, as defined in the Lomé IV treaty and developed further in the September 1991 resolution of the ACP-EC Joint Assembly and the November 1991 EC Council of Ministers resolution.

The meeting reached a serious impasse. Following the vote on the amendments, the rapporteur felt that the resulting text no longer sufficiently reflected the views expressed on the floor. The rapporteur withdrew the motion for resolution

to allow a period of time to search for further compromise, acceptable to all, at the next Joint Assembly meeting in Botswana from 29th March to 2nd April 1993.

There would thus appear not to be a general acceptance of the legitimacy of the EC's 'conditionality' policy. This should not deter the Community from seeking to apply its policy of promotion of respect for human rights, though it may not always be welcomed.

Forms of democracy are now being explored in many African countries, with 22 elections taking place in Africa in 1992. South Africa has begun to dismantle apartheid and despite the continuing bloodshed and the slow progress of talks between the white government and the black majority, some positive steps are being taken. However, it would be wrong to pretend that the situation in many African countries does not remain grossly deficient from a human rights point of view.

This year marks the tenth anniversary of the adoption of the African Charter on Human Rights. The EC should make every effort to make more effective this instrument, which some have said originated from informal suggestions made at ACP/EP Joint Assembly meetings in the early 1980s.

It must be acknowledged, however, that the 'reporting' procedure of the African Commission (the body established under the Charter) still leaves much to be desired. Reports have been few in number and many grossly inadequate. It is up to the African Commission representatives to press for improvements and to make signatories aware of their responsibilities. The Community could do more to support and assist the Commission as it lacks adequate means.

It seems to have been recognised that the Commission must be reformed. At the 10th session of the Commission in 1992, there was considerable discussion about improving its administration, reviewing the Commission's procedures, making public more information about work in progress, links between the Commission and NGOs, redefinition of the role of the Commission within the OAU framework and even possibly of amending the Charter itself.

It is not only at the level of the African Commission that resources are inadequate. The weaknesses of the reports are partly the result of the lack of technical expertise in individual countries. The Community could play an important role here in providing, in the context of development policy, appropriate judicial training.

As Manuel Marin, Commissioner responsible for the EC's Third World policy, has said: 'The debate on the link between human rights, democracy and development is extremely important, for it could, I am convinced, shape North-South relations in the 1990s'. Certainly well-designed development assistance does indirectly help to create an environment conducive to respect for human rights.

In considering the situation in African countries it is important to see human rights problems in the context of the North-South dialogue and the growing disparity of wealth between the developed and the developing world. Although the Foreign Affairs Committee's stress has always been on primary rights which can be respected whatever the economic situation of the country, there is no question that there is a direct link between the ability of a nation to foster these rights and economic well-being.

ASIA

Another group of countries with close Community ties is ASEAN, which in a resolution of November 1991 (annexed) reacted very strongly to EP pronouncements on human rights and 'conditionality', feeling that they displayed a lack of sensitivity to the diversity of that region.

We must always be sensitive to context and aware of cultural diversity in our approaches to different regions of the world. The EC should try to create a climate of confidence and dialogue and show willingness to accept criticism as well as to deliver it and admit when errors of judgement are made.

In Asia, as in Africa, there has been significant progress in opening up certain countries and in gradual democratisation. In the region, only North Korea and Burma remain totally closed societies.

China could be considered at this time as the country which demonstrates most clearly the conflict between the need to guarantee human rights and considerations of economic development. For the EC, China is a classic example of where realpolitik and the 'conditionality' approach to human rights are in contradiction. It must not be forgotten that "the Chinese gulag", use of forced labour in prisons and camps, prisons and centres for 'political reeducation' continue as before.

The Community should seek to encourage the development of democratic values in such countries as Cambodia and Vietnam, following the collapse of communism. Human rights can and must go hand in hand with democratisation.

It is significant that Asia still lacks a regional system to support and promote human rights. Even in some of the ASEAN countries, governments tend to equate the struggle for human rights with subversion.

As more international attention has begun to turn to human rights violations in Asia, for example at the United Nations, Asian countries have tended to react as a group, to deflect criticism of a particular country. The argument is frequently used that human rights can be seen in different ways. This was stated explicitly at the non-aligned summit in Djakarta in October 1992.

It should be reaffirmed, however, that the rights set out in the UN Covenants and other international treaties cannot be subject to interpretation.

Massive human rights violations also persist in Burma and Afghanistan. Despite improvements and noteworthy efforts by the government, there are continuing serious concerns about Sri Lanka. Recent events in India also give rise to major human rights preoccupations about the situation in the world's largest democracy. These situations should be closely monitored by the European Community to support all efforts to achieve a just solution to the sufferings of these countries' populations, as in Cambodia. The EP has welcomed the evolution of the peace process with the signature of the comprehensive peace agreement on 23 October 1991 at the Paris Conference, and strongly supports the United Nations transitional authority (UNTAC) entrusted with running the country until the elections scheduled for April 1993. It is to be hoped that the repatriation effort can be successfully achieved and the disarmament of an estimated half a million Cambodian faction fighters.

In Afghanistan, the 14-year civil war, which has cost more than a million lives, seems set to continue despite the collapse of the Najibullah regime. Some four years ago the Commission identified the humanitarian needs of the country, but implementation of EC programmes can scarcely be envisaged at present. A priority, which has been pressed by the EP, is for respect of the 1 January 1992 decision to cease weapons deliveries to bring the intra-guerrilla conflict to an end.

There have been a number of significant elections in the area, notably in South Korea and the Philippines. The fact that in the Philippines power was handed via the ballot box from Corazón Aquino to Fidel Ramos - the first peaceful handover in decades, with almost 'routine' coverage by Western media - was an indication of how democratic 'habits' have become entrenched, despite the country's economic difficulties.

In Asia, as elsewhere, it is minority/ethnic problems which are at the core of many conflicts. In China there has been no improvement in the respect of human rights and civil liberties and repression continues to be harsh in such territories as Tibet. Similarly, the situation in Kashmir and Punjab could be mentioned. East Timor, Aceh in Indonesia, and Karen in Burma are all territories where minorities have suffered policies which come close to genocide.

Special mention should be made of the situation in Burma. The EC has called on the military authorities/SLORC to return power to the legitimately elected democratic movement, the National League for Democracy, which in 1990 won the general election. Although there are signs that the military regime may be loosening its grip, it continues to hold over 1,500 political prisoners, among them the leaders of the League for Democracy, the winner of the EP Sakharov and Nobel Peace Prize, Aung San Suu Kyi. Thousands of citizens have fled Burma and are now residing in Bangladesh, China, India, Malaysia and Thailand. A report by the International Commission of Jurists in October 1992 put the number of refugees from Burma at 360,000 throughout Asia.

The European Parliament has also stressed its concern about military influence on government. In Asia this would apply to Indonesia, Fiji and Thailand. In these countries political institutions have continued to be pervaded by military appointees.

In Thailand military leaders have run the country directly or indirectly since 1932. The violent suppression by the military of pro-democracy protests in May 1991, (with about 200 of those who "disappeared" still unaccounted for), led to constitutional changes which were followed by elections in September 1992. The slim victory gained by a coalition of four pro-democracy parties offers the opportunity of an historic break with the past. If a stable government can retain power, Thailand, with one of Asia's most rapidly modernising economies, may emulate Taiwan and South Korea.

The latter turned toward more democratic systems when it became apparent that economic growth had to be accompanied by political freedom. Nevertheless there are concerns about the continued operation of the National Security Law in South Korea. The United Nations Human Rights Committee which considered the report of South Korea in July 1992 has recommended "a serious attempt ought to be made to phase out the National Security Law which the Committee perceives as a major

obstacle to the full realisation of the rights enshrined in the Covenant (on Civil and Political Rights)."

Elsewhere in Asia there has been noteworthy consolidation of the election process. Generally free and fair polls also have been held in South Korea, Taiwan, Singapore and the Philippines.

Latin America

In regional terms, it is perhaps in Latin America that most progress has been made. Whereas, as mentioned earlier, Asia lacks firmly-rooted regional human rights structures and mechanisms, the Inter-American system with its Commission on Human Rights is long established. (The 1969 American Convention on Human Rights entered into force in 1978.) It should be noted, however, that like the African Convention, the Latin American Convention is not as binding as might be wished. Only in recent years - under political pressure - has it come to be applied more effectively.

The evolution of the democratisation process in Central America has been very positive during the period covered by this report. After a long period of civil wars, which, in Guatemala alone, according to official sources, resulted in 150,000 deaths, 40,000 disappearances, 250,000 orphans and over one million displaced persons, Central America has embarked on its peace process, most notably in El Salvador, with some progress also in Guatemala.

The European Parliament welcomed the Peace Agreement signed on 16 February 1992 in Mexico between the government of El Salvador, headed by President Cristiani, and the Farabundo Martin Liberation Front. It is to be hoped that the disarmament phases established in the agreement can be achieved and will lead to a lasting peace. The European Parliament also has fully supported the efforts of the Comision Nacional para la Consolidacion de la Paz (COPAZ) and the UN mission in El Salvador (ONUSAL). The Twelve made a significant financial contribution to aid the reconstruction process in the context of the VIIIth San José Conference in Lisbon (25 February 1992), and Parliament has pressed for this to be increased in the next budgetary review.

Such developments can be seen as among the most significant outcomes of the end of the Cold War. Mention should also be made of the Queretaro Agreement (Mexico) where Guatemala's President Serrano and the guerrilla movement, Union Nacional Revolucionaria Guatemalteca (UNRG), established the basis of a Peace Agreement 'Marco para la Democratización para la búsqueda de la paz por medios políticos' to put an end to a 31-year old conflict. The need for reconciliation was symbolised by the award of the Nobel Peace Prize to Guatemala's Rigoberta Menchu for her work in campaigning for indigenous rights.

Nevertheless, the European Parliament has remained deeply concerned about persisting large scale human rights violations in Guatemala. Serious efforts must be made to guarantee the most fundamental of rights to life and freedom, and the return of refugees to their place of origin. Conditions must be established in Guatemala to allow 45,000 citizens to return to their homes, a process which has in fact begun. The role of democratic institutions in any such process is exemplified by the Procuraduria de los Derechos Humanos in

Guatemala, which aims to guarantee a democratic social network and the rule of law. The establishment of an independent judiciary and accountability for political and administrative acts will be fundamental in ensuring a lasting peace.

Even so, the enormous social problems of Latin America will not easily be resolved. One indication of the scale of the problem is the 'street children' who can be found nearly everywhere in the slums of the megacities of Latin America, from Mexico to Argentina. They are a symptom of civil war, poverty and over-population.

There is little prospect of an early end to the suffering of the Cuban and Haitian people. Haiti, the poorest country in the western hemisphere, is once more under a military regime which ousted President Bertrand Arstide in September 1991. The population, which has suffered great hardship because of persistent drought and the embargo imposed by the Organisation of American States is now looking to the United Nations for a response to its plight. Humanitarian aid is urgently needed to cope with famine in order to prevent mass starvation. If the situation persists, the \$23 million humanitarian aid granted by the international community will not be enough. Human rights cannot exist in these conditions. It is to be hoped that the incoming Clinton administration will address the problem of Haiti as a top priority.

In Cuba the Castro regime has considerably increased violence against pacifist political opponents and human rights activists. The report of the UN special rapporteur, Mr Rivas Posada, with whom the Cuban authorities refused to cooperate, documented a deterioration in the human rights situation on the island. The UN rapporteur has appealed to the Cuban government to initiate a dialogue with opposition political groups to find a peaceful solution leading to a democratic regime, thus preventing further bloodshed and violence.

On the South American continent, the European Parliament has welcomed the reinforcement of democratic government where countries which had recently suffered military dictatorships (Chile, Argentina, Paraguay and Uruguay) have shown a strong commitment to democratic values. The European Parliament has supported efforts to solve the problems caused by impunity during the period when the army was in power.

It is indicative of the progress made on the American continent that human rights has now become a regular matter for discussion at meetings between the EP and the Latin American Parliament. A number of Latin American parliaments have established human rights committees or subcommittees.

With regard to Peru, the European Parliament vigorously condemned the coup of President Alberto Fujimori, who in April, backed by the armed forces, dissolved Congress, and the judiciary power and suspended civil liberties, in an attempt to deal with the catastrophic economic situation in the country, promising also to break the stranglehold in much of the country of the terrorist group, the Shining Path. The European Parliament expressed its scepticism of such solutions and appealed to President Fujimori to revert to a constitutional regime. Poverty, terrorism, corruption, and the lack of basic social structures, which characterise Peruvian society can best be overcome within a democratic framework.

The European Parliament also has expressed its concern about the recent violent phenomena which threaten democracy on the continent. The most significant instances were the attempted coups d'etat in Venezuela against President Carlos Andres Perez (13 February 1992 and November 1992), still latent, and the ongoing conflict in Colombia, phenomena to a certain degree caused by tensions produced by the rigorous adjustment policies imposed in these countries to meet the requirements of international economic institutions. The European Community should reinforce its commitment to financial aid to alleviate the burden of external debt which has stifled development in the area, and threatens the survival of democratic regimes, which could collapse under pressure from a population suffering continuous deprivation.

Torture

One of the issues most frequently raised with third countries has been the issue of torture and physical abuse.

In 1992 the Subcommittee on Human Rights decided to organise during 1993, in conjunction with the Foreign Affairs Committee, a public hearing on the phenomenon of torture and the work of torture rehabilitation centres.

In Europe the first centre of this kind was established in Denmark and there are now a number of similar institutions in the Community. These have received support from the Community through the budget and for 1992 by amendment to the budget the Human Rights Subcommittee was able to ensure that grants to such centres would be sustained at an appropriate level. This should be continued.

The European centres have since spawned a number of centres in diverse countries around the world where torture continues to occur. In the eyes of many, torture remains perhaps the most abhorrent human rights abuse around the world and it would be appropriate for the Parliament in 1993 to lend its weight to other campaigns in seeking to eradicate it.

In this connection, what would be particularly significant would be if the Community could succeed in stimulating governments to establish judicial mechanisms for the prevention of torture (judicial inspection of prisons, passing adequate legislation), and to set up their own torture rehabilitation centres. Those governments would thereby recognise that the phenomenon exists in their countries. Government centres would not, of course, replace independent torture rehabilitation centres.

In other countries concrete programmes could be created to help with the training of police and security forces in correct procedures.

United Nations

Previous rapporteurs have all recognised the role of the United Nations as the world's main standard-setting human rights body but have been critical of the increasing politicisation of its human rights mechanisms.

In the period covered by this report, the world community, as a result of the role played by the UN in the Gulf War, revived its expectations of the UN as a moral arbiter and an instrument for the resolution of conflict. We have seen the UN monitoring respect for the peace accords in El Salvador, its role in

preparing the referendum on self-determination in El Salvador, the enormous task entrusted to it as the transitional authority in Cambodia, the presence of the blue helmets in ex-Yugoslavia, its mediatory efforts in Afghanistan, Somalia and Nagorno-Karabakh, and in freeing some of the hostages in Lebanon. It also played a key role in supervising the elections in Angola.

The Parliament is now looking to renewed UN efforts to resolve the problem of Cyprus, where there appears now to be the real prospect of a solution, and of East Timor, in which Parliament has taken a particular interest.

The enhanced role of the UN since the end of the Cold War and the new responsibilities entrusted to it can only be effectively discharged if it has additional budgetary means and there is some resolution of the UN's current financial crisis.

This point was made very forcefully by the then director of the UN Centre for Human Rights in Geneva, Mr Jan Martenson, when he addressed the EP Political Affairs Committee in November 1991. Many Members were struck by the extremely modest resources allocated to human rights within the UN structure.

Despite the 'normative' work done by the UN in setting universal standards, ambitions for the UN have been essentially frustrated by the politicisation of the UN's human rights bodies, and in particular its main human rights forum - the UN Human Rights Commission. The tendency remains - as illustrated again at the Commission's 1992 session - for regional blocs to close ranks to protect an 'accused' member of their own group. Nevertheless a significant number of country situations were addressed at the session. Enlargement of the Commission from 43 to 53 members, increasing the number of 'non-Western' countries, is unlikely to make it any easier in the future to get country situations addressed. It should be said however that in this respect the situation has improved in recent years.

The UN also has sought to develop its human rights promotion activities: information campaigns, consultative services, assistance in establishing national human rights bodies.

At the 1992 session of the Commission on Human Rights a number of resolutions stressed the importance of follow-up to the recommendations of the Working Groups and the Special Rapporteurs. Also this year the Commission took more decisions than ever before concerning human rights situations in specific countries.

1993 will throw more light on the workings of the United Nations human rights machinery with the UN World Conference on human rights taking place in June 1993. One proposal to be considered again is that of nominating a High Commissioner for Human Rights. The office should be analogous to that of the High Commissioner for Refugees, to be filled by an individual of high standing and moral authority. He should have a flexible mandate covering all areas of human rights and the authority and independence to act effectively in human rights crises, to develop new methods of human rights protection and to coordinate and integrate human rights activities into other areas of the UN's work.

Consideration should also be given to establishing an International Penal Court, as has been advocated by the International Commission of Jurists. It is clear

that judicial mechanisms for dealing with gross violators of human rights on the international level are lacking.

There is an urgent need for a programme of reform and reinforcement of the existing human rights mechanisms, notably the theme mechanisms of the UN Commission on Human Rights and the Treaty bodies which monitor the implementation of the international human rights treaties.

A decision of great significance was Security Council Resolution 688 to break with the policy of non-interference in internal affairs and create the so-called 'safe havens' in Northern Iraq to protect the Kurdish population. This decision was a watershed and set an important international precedent for action elsewhere. With regard to Somalia, Security Council Resolution 794 was another important precedent authorising the UN Secretary General and member states to use a multinational force to permit the safe delivery of emergency and relief supplies. Further progress in the sphere of humanitarian intervention should be strongly supported by the Community.

With regard to the UN it is important to move on now from standard-setting to implementation. The Twelve or those of the Twelve represented on certain UN bodies must make this their priority, not least at the Vienna World Conference. In view of the international profile which the Parliament has taken on human rights matters it should be properly represented at the Conference so that it can make an appropriate and useful contribution.

Enlargement of EP-Committee competences

There can no longer be any question about human rights being an integral part of Community foreign policy and a growing aspect of intra-Community affairs pervading many EC policy sectors.

This was reflected by the creation by Parliament in 1992 of a new Committee on Civil Liberties and Internal Affairs which has in its remit such issues as asylum policy, immigration, racism and xenophobia. This Committee has also decided to draw up its own annual report on human rights within the Community.

Prior to this the main responsibility for human rights matters fell to two Committees - the Foreign Affairs Committee, responsible with its Subcommittee on Human Rights, for human rights problems in third countries, and the Legal Affairs Committee, responsible for human rights matters within the Community. The new Civil Liberties Committee has taken responsibility for certain matters which had hitherto fallen to the Legal Affairs Committee.

Parliament's Institutional Affairs Committee has examined certain matters with a civil rights aspect such as the concept of European citizenship. In 1988 that Committee drew up a 'White Book' on human rights, which went further than the European Convention on Human Rights and which it wished to see incorporated in any treaty on European Union. The main Articles derived from the 'White Book' are contained in the Declaration of Fundamental Rights and Freedoms adopted by Parliament in April 1989.

The role should also be mentioned of the Petitions Committee, since many petitions examined have a human rights aspect. The Maastricht draft provides for the establishment of a Community 'Ombudsman', a function which up to now had been collectively exercised by the Petitions Committee.

Parliament's Development Committee has also long been deeply concerned with the human rights aspects of development policy.

It is anticipated that in the coming months a public hearing will be held jointly by the Foreign Affairs Committee, the External Affairs Committee and the Development Committee on the human rights aspects of agreements with third countries and 'Conditionality'.

Activities of Parliament

As this report has indicated, human rights has continued to be a very prominent aspect of Parliament's work, as reflected by the number of questions tabled and resolutions adopted at almost every part-session on human rights problems. Representations are frequently made at various levels by representative figures within Parliament. Human rights matters are often raised by its delegations. Groups of MEPs or individual Members frequently take initiatives on human rights issues, and there exists a number of unofficial 'inter-groups' on specific human rights issues (viz. inter alia Inter-group on East Timor, Inter-group on Soviet Jewry, Inter-group on childrens' rights, Inter-group on population and development.)

All this has led to a multiplicity of activity which is often difficult to coordinate. Nevertheless, a small human rights unit has been created to seek to monitor activities and its staff are available to Members to provide back-up where required. It should be added that if Parliament is to continue to constantly increase its 'casework', as well as seeking to influence policy and 'situations', then greater technical and human resources must be made available.

The evolving 'conditionality' policy, Parliament's power under the Single European Act to withhold its 'assent' under Article 238 (which may be extended further under the Maastricht Treaty) and to block agreements with third countries on human rights grounds (the Protocols on Morocco and Syria were a case in point in 1992) and the increased budgetary provision for human rights-related activities indicate that, if anything, the human rights component of Parliament's work is likely to increase. It is sad that this should be necessary but an appropriate role for Parliament to discharge. Democratically-elected legislatures are symbolic of an open society governed by the rule of law and parliamentarians are in a unique position to formulate policies aimed at improving human rights conditions.

Parliament is at times accused of being too belligerent an advocate of human rights. But it is clear from the many and various approaches to Parliament that citizens expect this of the institution. People at large have come to recognise that human rights is the concern of all human beings and individuals can play a role on the international scene simply by joining a letter-writing campaign in an attempt to save a person from torture or imprisonment.

It is in large measure because of the work of NGOs and individuals (collectively represented by Parliamentarians) in recent decades that governments have begun to look more seriously at the human rights aspects of foreign policy. For Parliament regular contact and inter-action with major human rights NGOs and individual groups, is essential.

Parliament has also begun to work with human rights bodies in other Parliaments. For instance, in the first half of this legislature good direct links were

established with the then chairman of the Human Rights Committee of the former Supreme Soviet, Mr Burlatsky, which resulted in a number of releases.

Whether all this activity has made the world a better place is hard to judge. The annual reports of 'Man's inhumanity to man' produced by Amnesty International, the U.S. Department of State, the International Committee of the Red Cross, the Frankfurter Gesellschaft, Médecins sans Frontières and other bodies continue to make distressing reading.

Where Parliament is concerned, it is difficult to quantify the effectiveness of its efforts. Much of its activity can be seen as 'casting bread upon the waters'. But there continue to be attested cases of individuals released from detention as a result of pressure from Parliament (often discreet). Parliament's pronouncements on human rights in its resolutions have more than a ritual value. Even when attempts to influence the human rights situation are seemingly hopeless, it is often pointed out subsequently that international efforts did have an effect.

Indeed, this is the message that has been borne to Parliament by the many individuals newly released from detention that have come over the years, usually to plenary session. They have paid tribute to the work of Parliament as one of many bodies which has sought to highlight and keep the spotlight focussed on the plight of a particular individual or a particular human rights problem and embarrassed or nagged a government into resolving that situation - and not always to the delight of national (Member) governments. Although many of Parliament's démarches have been discreet, such individuals have usually said that as much public clamour should be made as possible. This point was forcefully made by Natan Scharansky and Yuri Orlov when they visited Parliament on separate occasions in earlier years.

Mr Abraham Serafati, an opponent of the Moroccan regime who was freed in September 1991 after 17 years in prison, spoke in similar terms when he visited the Parliament in October 1991. Mr Serafati asked the Parliament to pursue its efforts to obtain the release of political prisoners throughout the world. He pointed out that the Resolutions adopted by the Parliament sometimes obtain results and that they are always an encouragement to the persons concerned. One of the witnesses at the East Timor hearing stated that he was convinced he had only been able to leave Djakarta as a political refugee because of international pressure.

Parliament's willingness to be an outspoken advocate of human rights has often brought fierce responses from governments of third countries. This is particularly the case with 'urgency' debates, which often give us pause for thought. But compared with debates in the UN framework, it does point up the singular value of the EP in not being an inter-governmental agency.

In sum, although it is difficult to register whether there has been progress in the sphere of human rights, what we can say is that at least today, as a result of the work of thousands of individuals and NGOs, and other bodies more is known about human rights abuses which are perpetrated than was ever the case before. If the human rights picture seems at times bleak, it may be because it is today so much more difficult to silence the victims of abuse.

EUROPEAN PARLIAMENT

10 February 1993

O P I N I O N

for the Committee on Foreign Affairs and Security

on human rights in the world and Community human rights
policy (6th annual report)

Draftsman: Mrs Maria BELO

O P I N I O N

(Rule 120 of the Rules of Procedure)

of the Committee on Development and Cooperation
for the Committee on Foreign Affairs and Security

Draftsman: Mrs Maria BELO

At its meeting of 22 January 1992, the Committee on Development and Cooperation appointed Mrs Maria Belo draftsman.

At its meetings of 8 January and 9 February 1993, it considered the draft opinion.

At the meeting of 9 February 1993, it unanimously adopted the conclusions as a whole. *

The following took part in the vote: Mr Saby, chairman; Mrs Belo, vice-president and draftsman; Mrs Braun-Moser, Mrs Daly, Mr Escudero, Mrs Hermans (dep. Mr Tindemans), Mr Kellett-Bowmann, Ms Miranda de Lage (dep. Mr Bird), Mr Pons Grau, Mrs van Putten, Mrs Schmidbauer, Mrs Simons, Mrs Van Hemeldonck, Mr Verhagen.

The rapporteur of the Subcommittee on Human Rights, Mrs Lenz, has prepared a detailed report on the level of human rights violations throughout the world. She has moreover covered such subjects as democratization, conditionality (which is to be the subject of a hearing in the new year to be coordinated with the Committee on Development and Cooperation), the Council memorandum on human rights of November 1991 and the situation in many developing countries.

As is traditional, the Committee on Development and Cooperation has drafted its opinion endeavouring not to repeat the overall analysis of various aspects of human rights offered in the report, but, rather, to pay special attention to the evolution of the degree of respect for or violation of human rights in the developing countries, indicating the cases of progress or regression and the appearance of new problems, together with the areas for priority action by Parliament. Account has also been taken of the Commission communication to the Council and Parliament of 21 October 1992 concerning implementation of the above-mentioned Council resolution.

It is necessary to remain vigilant wherever human rights abuses occur in order to be in a position to take the initiative and attempt to resolve problems as far as is possible. The Committee on Development and Cooperation has always believed that priority should be attached to tackling the root causes of human rights violations, which lie invariably with the problems relating to underdevelopment and to the assertion and imposition of illegitimate and often undemocratic authority by minority ruling classes who base their power on legal or constitutional provisions favourable to them or on juridical structures which are excessively fragile and dependent on political and economic sources of power. In recent years, moreover, following the collapse of the communist regimes and the end of the cold war, leading to the worldwide flowering of pro-democracy and peoples' movements, the determining weight of certain traditional power relations between social groups has become manifest. The problems concerned include relations between rural employers and workers, the state and its officials and men and women, child labour, inter-ethnic rivalries, questions of religion and citizenship, nationalism and xenophobic intolerance, long-standing antagonisms between peoples previously repressed by authoritarian or colonial regimes, etc. These conflicts are tending to qualify or block the advance of democracy and human rights, but must be faced up to if they are to be lastingly overcome.

Over the years the Committee on Development and Cooperation has been a keen promoter of positive actions aimed at the promotion of and respect for human rights. It has been successful in the initiatives it has taken in providing resources within the Community budget. It has considered that the primary purpose of such resources should be to support human rights activities within countries where human rights were threatened, and to contribute towards institutional support for human rights organizations. Non-governmental organizations active in the human rights field were thought to be particularly receptive to developing new activities for which the Commission would be in a position to provide financial and practical encouragement. However, such attempts as have so far been undertaken have met with a mixed reception.

It therefore seems appropriate at this stage that the Committee on Development and Cooperation suggest ways in which these policies may be improved upon in an attempt to maximize their impact. Very recently, the Commission published a communication (SEC(92) 1915 final) which looks in some detail at the various projects financed by the Community, particularly by budget headings B7-5053 and B7-5078 dealing respectively with the developing countries in general and with Latin America and budget heading A-3030 dealing with human rights in overall terms. A summary of projects which have received finance from the Community is included as an annex to this opinion.

The Commission communication merits certain comments. It affirms that 'what is really needed in the developing countries are structural and effective changes, in law and in practice, which safeguard and promote human rights and the democratic process', and that 'the focus should be on supporting local initiatives along these lines'. Paragraphs 8, 9 and 10 of the document provide a sound and clear outline of the main aspects requiring Community support, i.e. consolidation of the constitutional state, the democratic transition processes and the strengthening of civil society.

Nonetheless, close analysis of the various actions and funding undertaken reveals the existence of substantial obstacles to the implementation of these principles. Thus, the desire to support European or local NGOs and to keep their work going can lead to a dispersal of funding which fails to ensure actual improvement of concrete situations; a good example is the execution of heading A-3030. It seems that, allowing for certain exceptions, resources and energy are expended without achieving visible improvements. The heading concerned provides for substantial funding for the European Foundation for Human Rights, which is conceived of as working in close cooperation with Parliament - a dimension which should be put into practice.

Analysis of headings B7-5053 and B7-5078 suggests that implementation has in these cases been more rational. One may point to the aid provided to current democratization processes, including aid for elections, legal support and aid to judicial structures. The headings in question are characterized by their flexibility, permitting rapid decision-making and channelling of funds.

The Lomé Convention also provides the possibility for ACP states to finance human rights-related projects from the EDF. Article 5(3) states that 'at the request of the ACP States, financial resources may be allocated, in accordance with the rules governing development finance cooperation, to the promotion of human rights in the ACP States through specific schemes, public or private, that would be decided, particularly in the legal sphere, in consultation with bodies of internationally recognized competence in the field. Resources may also be given to support the establishment of structures to promote human rights. Priority shall be given to schemes of regional scope.'

Priorities for human rights financing

Projects which are the most easily financed are not necessarily those which contribute the most to resolving cases of human rights violations. It is often where the most apparent needs of financial support are to be found that financing is the most difficult. For example, support for domestic human rights organizations in developing countries frequently leaves them exposed to charges of being financed by 'foreign/subversive funds'. Their need of resources is nevertheless real, and means should be found to give them indirect support. In addition, financing such groups in countries where they are the most needed also creates the risk of further exposing their leaders to violent attacks and even assassination. Care must therefore be taken to ensure that organizations which are by their very nature vulnerable to attacks from reprehensible political regimes are not made more vulnerable by open Community financing. Rather discreet but purposeful diplomatic support must be given.

Many individuals who are detained or imprisoned for activities of a political nature have difficulty in obtaining proper legal counselling because they lack the means to pay for lawyers. The Community, through its Delegations, should seek out such cases and offer to provide the resources necessary for defence lawyers to be paid. The Community is to be commended for having helped pay for the defence counsel for Chafukwa Chihana in Malawi.

The Community should further pursue actions which aim to provide support for particularly vulnerable sectors of the population which suffer what can be termed collective human rights abuses. Among such vulnerable groups are to be found young children and orphans in many countries in Central and South America and Asia and in the war-torn countries of Africa, women in Asian and Muslim countries and rural or migrant workers caught in a debt trap in Brazil and in some southern European countries.

Among the useful projects financed by the Community in relation to human rights are the training programmes which are now operating in several developing countries and which aim to promote human rights awareness amongst the police, the judiciary and other sectors of civil society, particularly in newly emerging democracies. Various non-governmental organizations, including the International Commission of Jurists, are active in this field, and their reports suggest a keen interest in the countries concerned.

Institution building is an important aspect of the structural support which can be given to ensure the respect for human rights and the rule of law. Many newly established democratic regimes require expert advice and material support to establish a legal system guaranteeing justice to the individual. The creation of such institutional structures is complex and takes time. The Community must provide both the political and the financial means for such operations.

The experience of last year's elections in various countries in Africa, Latin America and Asia where the desired effects did not occur suggests that a debate is called for on the form which these elections took and the need to find ways of making Community support more effective. As is obvious, the organ whose democratic representativeness is greatest, the European Parliament, played only a marginal observation role in these elections. The role of coordinating, encouraging and 'educating' vis-à-vis these electoral processes fell to the Commission. It may be asked whether the more active involvement of Parliament in the preparation and political education of the newly formed parties, supporting their participation in the democratic process, would not in future

be useful, if not indispensable. In fact, the policy pursued by the Council and, on its behalf, the Commission tends to give priority to dialogue with governments, leaving a purely marginal role for the social and civil forces and the political parties who are now at last seeing their role as participants in civil society recognized by the military. It is, however, clear that the Commission recognizes the need to support the new democratic institutions in the independent exercise of their legitimate sovereignty. In this area too, the practical role of Parliament and, indeed, the European Court of Justice should be given greater importance.

The projects referred to above are complementary to broader public education projects in the field of human rights. The Community may finance press or radio activities which aim to break state monopolies over the means of communication. Examples of this include small community newspaper projects in South Africa and radio broadcasts to Haiti in support of democracy.

The Community may find it useful to provide funding for other media-related projects in the human rights field. However, care must be taken that the cost of such projects, which may be very high, should be at the same time reasonable in relation to the objectives pursued, and that resources are not spent on financing the film crews without prior guarantees concerning the quality of the finished product and its broadcasting.

Conclusions

1. Welcomes, with respect to the Commission communication of 21 October 1992, the Commission's efforts to promote democracy and human rights in the developing countries, following the resolution of November 1991 and the specific budget headings for these actions, and congratulates the Commission in this connection;
2. Considers it essential to improve the effectiveness of these actions, and expresses its desire and willingness to cooperate in any such endeavours;
3. Welcomes the text adopted by the Commission on 27 January 1993 expressly defining human rights as the Community's first priority in its relations with third countries, and suggests that the commissioners responsible for the various aspects of those relations act on the basis of cooperation and mutual coordination so as to enable this priority to be put into practice, utilizing the experience of the previous Commission;
4. Welcomes the additional resources adopted for human rights-related activity in the 1993 budget, and urges the Commission to bear in mind the following priorities when implementing measures:
 - a) support for the defence of individuals suffering from human rights violations;
 - b) support for domestic human rights projects organized by indigenous groups within developing countries and local organizations working in this field;
 - c) support for collective human rights amongst such vulnerable groups as children, women the sick and the handicapped, internal migrant workers and immigrant workers;
 - d) support for training programmes operated by recognized NGOs from developing countries, from the EC or from other countries;
 - e) support for public education projects via the media and the educational systems of developing countries;
 - f) support for institution building related to the rule of law;
5. Considers that the Community should maintain and enhance its efforts to support democratization in developing countries, including the financing of the necessary infrastructure for elections, and the sending of delegations to observe the electoral process;
6. Insists that the above efforts must be backed up at all stages by technical and political support from Parliament, and that Parliament should be permitted to play a more active part in preparation and political education activities vis-à-vis the newly formed parties, to ensure a more solid grounding for their participation in the democratization process;
7. Urges more ACP states to take advantage of Lomé IV financing in the human rights field;

8. Points out that the Community can legitimately take the position that respect for human rights must be a sine qua non for entering into agreements of any kind with third countries and must be a cornerstone of its external policy;
9. Recalls Parliament's insistence, on an initiative of its Committee on Development and Cooperation, on participation in the monitoring of implementation of agreements with third countries, and endorses, in this context, all the relevant proposals of the Lenz report;
10. Welcomes the initiative undertaken by the Subcommittee on Human Rights in organizing a hearing on 'Positive measures and conditionality' in cooperation with the Committee on Development and Cooperation and the Committee on External Economic Relations;
11. Notes, however, that the principles set out in the international conventions and affirmed by the Community institutions are guidelines which require time, education and overall conditions of development if they are to be realized in a satisfactory form;
12. Is aware that economic development, civil and individual liberties, equality of opportunity and human solidarity can only flourish within democratic systems and require the strengthening of the constitutional state, civil society and judicial independence;
13. Recalls that elections and democratization processes took place in 1992 in various countries in Africa, Latin America, Asia and the Mediterranean region, but that a significant number of these processes were aborted and the resultant frustration of expectations led to situations of violence, in some cases of an extremely grave nature;
14. Suggests that the Community set up a working party with the aim of improving the effectiveness of its actions relating to democracy and human rights, with the participation of all its institutions, including the European Court of Justice;
15. Welcomes the contribution of the press to developing awareness concerning peoples and situations, and congratulates the Commission on its support to the media in the Community and the countries concerned via suggestions for more rational and effective treatment;
16. Notes that the Community's concern for respect for human rights in the developing countries is at variance with the living circumstances, work situation and legal status of many migrants from those countries residing in the Member States;
17. Considers, in this connection, that the priorities to be established on the basis of unequivocal respect for human rights are:
 - dialogue and cooperation with the third countries concerned;
 - transparent conditions for entry to Community territory;
 - transparent rules for the acceptance (or refusal) and integration of the
i m m i g r a n t s c o n c e r n e d ;

18. Decides to forward this opinion to the Subcommittee on Human Rights for consideration and requests that it be annexed to the subcommittee's report.

LISTE DES ACTIONS APPROUVEES PAR LA COMMISSION
SUR LES RESSOURCES DU BUDGET DES COMMUNAUTES EUROPEENNES
LIGNE BUDGETAIRE B7-5053

I. 1er Paquet (approuvé le 12/06/92)

1. ANGOLA (Subvention : 1.000.000 Ecus)
Appui matériel et assistance technique au processus électoral
2. BURKINA FASO (Subvention : 270.000 Ecus)
Appui matériel au processus électoral
3. MADAGASCAR (Subvention : 800.000 Ecus)
Appui matériel et assistance technique au processus électoral
4. MAURITANIE (Subvention : 370.000 Ecus)
Appui matériel au processus électoral
5. SENEGAL (Subvention : 200.000 Ecus)
Appui matériel au processus électoral
6. INTERIGHTS (Subvention : 75.000 Ecus)
Assistance juridique et technique à la Commission Africaine des droits de l'homme.

TOTAL DE L'ENGAGEMENT : 2.715.000 Ecus

II. 2ème Paquet (approuvé le 29/07/92)

1. LESOTHO (subvention : 280.000 Ecus)
Il est envisagé d'apporter un financement du matériel d'équipement des frais de transport en vue des élections en novembre 1992. Une contribution imputable à la ligne B7-5053 serait complétée par un prélèvement sur les fonds de contrepartie de l'ordre de 162.360.
2. GHANA (subvention : 350.000 Ecus)
Il est prévu de financer, sur la ligne B7-5053, une assistance technique fournie par la Fondation Friedrich Ebert au personnel chargé de veiller au bon déroulement des élections.
3. MALAWI (subvention : 19.846 Ecus)
Il est envisagé de financer l'assistance judiciaire du syndicaliste Chihana, en complément de la contribution financière de la Confédération Internationale des Syndicats.
4. CONSTITUTIONAL RIGHTS PROJECTS (subvention : 21.622 Ecus)
Il est envisagé de financer l'élaboration d'un "human rights litigation manual" confié à cette ONG du Nigéria.

5. CAMBODGE (subvention : 420.000 Ecus)
Il est envisagé de financer une série d'actions menées par la Ligue Cambodgienne des Droits de l'homme visant à promouvoir les droits de l'homme au Cambodge.
6. NIGER (subvention : 315.000 Ecus)
Il est envisagé de financer du matériel électoral et l'impression du code électoral. Une contribution de 315.000 Ecus imputables sur B7-5053 serait complétée par un prélèvement sur les fonds de contrepartie de l'ordre de 60.000 Ecus.
7. AFRICAN EUROPEAN INSTITUTE (subvention : 111.000 Ecus)
Il est prévu de financer un colloque à Maputo sur le thème du rôle des femmes dans le multipartisme, pour un montant total de 111.000 Ecus. Cette action s'inscrit dans un cadre plus large d'actions menées par le African European Institute, concernant la démocratisation, l'éducation civique et la reconstruction du Mozambique.
8. PHILIPPINE ALLIANCE OF HUMAN RIGHTS ADVOCATES (subvention: 36.000 Ecus)
Il est prévu de financer le programme d'activité de cette ONG pour un montant de 36.000 Ecus
9. CONFERENCE MONDIALE DES NATIONS UNIES SUR LES DROITS DE L'HOMME (subvention : 500.000 Ecus)
Suite à l'accord intervenu entre le SG, la DGI et la DG VIII, en vue de contribuer au financement des frais de participation des PVD, et notamment des ONG de ces pays spécialisées dans le domaine des droits de l'homme, aux conférences régionales et à la conférence mondiale, le groupe propose de retenir dès maintenant une réserve d'un montant indicatif de 500.000 Ecus imputables sur la ligne B7-5053.

TOTAL DES ENGAGEMENTS : 2.053.468 Ecus

III. 3ème Paquet (approuvé le 13/11/92)

1. DEMOCRATIES N° ACP/COM/18/92 (Subvention : 14.500 Ecus)
Il est envisagé de financer la réalisation d'une série de reportages menés par le journal "Democraties" sur l'évolution démocratique dans plusieurs pays africains.
2. FILMOGENE N° ACP/COM/19/92 (subvention : 31.400 Ecus)
Il est prévu de participer au financement de l'étude de viabilité d'un projet concernant une série télévisée panafricaine de 13 épisodes "la démocratie, c'est quoi même".
3. REPORTERS SANS FRONTIERES N° ACP/COM/20/92 (subvention : 310.530 Ecus)
Il est envisagé de financer un séminaire de Journalistes, ainsi que la mise en oeuvre d'un réseau d'alerte sur les atteintes à la liberté de presse.

4. GUINEE N° GUI/ELE/25/92 (subvention : 331.090 Ecus)
Il est envisagé de financer l'assistance technique pour la mise en oeuvre d'un système informatique décentralisé en vue du processus électoral en Guinée. Une contribution imputable à la ligne B7-5053 serait complétée par un prélèvement sur les fonds de contrepartie.
5. RCA N° RCA/ELE/47/92 (subvention : 200.000 Ecus)
Il est envisagé de financer une partie des frais relatifs à l'organisation matérielle de la consultation électorale conjointe (législative et présidentielle).
6. MADAGASCAR N° MAG/ELE/02/92 (subvention : 400.000 Ecus)
Poursuite de la participation de la CEE au financement du processus électoral suite au référendum du 19/8/92.
7. NAMIBIE N° NAM/ELE/50/92 (subvention : 260.000 Ecus)
Il est prévu de participer au financement du processus électoral (les élections régionales et locales).
8. YEMEN N° YAD/ELE/44/92 (subvention : 500.000 Ecus)
Il est prévu de participer au financement du processus électoral au Yémen.

TOTAL DE L'ENGAGEMENT : 2.047.520 Ecus

IV. 4ème Paquet (approuvé le 08/12/92)

1. Projet N° ACP/COM/38/92 - L. FOLLY

Le projet de L. Folly, jeune cinéaste togolaise vise à la réalisation d'un documentaire pour la télévision intitulé "Femmes aux yeux ouverts"; la thématique de ce film porte sur le regard des femmes africaines porté sur la démocratisation en Afrique.

2. Projet N° HAI/COM/16/92 - FROUMA FILM (Subvention 115.000 écus)

Raoul Peck, réalisateur haïtien réputé a tourné un film "L'Homme sur les quais" ayant pour objet les affres de la dictature en Haïti, le financement de la Commission serait destiné à couvrir les frais de montage et de diffusion.

3. Projet n° KEN/ELE/82/92 - ELECTIONS AU KENYA (Subvention 92.000 écus)

La Commission Internationale des Juristes et sa section du Kenya (CIJ/FIDA) sont chargées de la mise en oeuvre des structures d'observation des élections. La Commission Internationale des Juristes assistera les observateurs des parlements nationaux européens et du P.E. (30), tandis que ICJ/FIDA est habilitée officiellement par le NEMU (National Electoral Monitoring Unit) à contrôler le bon déroulement des élections (monitoring interne).

4. Projet n° PVD/COM/27/92 - AVISE (Subvention 290.000 écus)

Cette action vise à la production d'une série télévisée sur l'interaction du développement de la démocratie et des droits de l'homme en Ouganda, au Mozambique, au Salvador, et aux Philippines.

5. Projet N° PVD/PRO/66/92 - COMMISSION INTERNATIONALE DE JURISTES- (Subvention 590.000 écus)

Il est envisagé de financer les projets suivants : trois séminaires de formation dont deux sur les droits des femmes dans le Pacifique et à Accra et un sur les droits de l'homme et les Conventions Internationales à Montevideo. Les deux projets restants sont destinés à la prise en charge, pendant 6 mois, d'un stage de 4 juristes des PVD au siège de la CIJ, et au financement d'une étude comparée sur le système judiciaire.

6. Projet N° NS/PRO/65/92 - AIJA (Subvention 36.000 écus)

L'Association Internationale des Jeunes Avocats a sollicité un soutien de la Communauté pour organiser une conférence à Douala sur le rôle des avocats dans le respect des Droits de l'Homme en Afrique.

7. Projet N°PH/PRO/40/92 - DEFENCE FOR CHILDREN (Subvention 34.500 écus)

Il est envisagé de financer une campagne de promotion, d'information sur les droits des enfants aux Philippines, orchestrée par l'ONG "Defence for children".

8. Projet N°ACP/PRO/42/92 - DEFENCE FOR CHILDREN (Subvention 67.000 écus)

Il est envisagé de financer la phase préparatoire du projet de "Defence for children" destiné à mettre en place des centres de défense socio-juridique pour assister les enfants dans 3 pays africains.

9. Projet N°UNI/PRO/36/92 - CIVIL LIBERTIES ORGANIZATION (Subvention 31.500 écus)

Il est envisagé de financer certaines activités de CLO, ONG nigérienne de défense des Droits de l'Homme, considérée par les Nations Unies, comme l'une des meilleures organisations en Afrique de l'Ouest.

10. Projet N° COB/ELE/56/92 - ELECTIONS AU CONGO (Subvention 200.000 écus)

La Commission (lettre du Président Delors au Président de la République du Congo) a donné son accord pour une contribution par la Commission à l'organisation des élections.

La requête du Ministère de l'Intérieur et de la Décentralisation du Congo ayant pour objet le financement de bulletins de vote n'est parvenue que le 21 juillet 1992 à la Délégation, alors que les élections ont eu lieu les 2 et 16 août 1992 et que l'impression des bulletins de vote devait avoir lieu dès le 24 juillet. Le délai très court entre la date de la demande de financement du Congo et la date du commencement de l'opération a rendu techniquement impossible un accord de la Commission par la voie de la procédure écrite dans les temps voulus. Dès l'instant où la Commission a donné son accord politique le 15 mai 1992, un financement rétroactif apparaît justifié en l'espèce.

11. Projet N°HAI/PRO/83/92 - OXFAM (Subvention 600.000 écus)
- Le projet vise à apporter un appui aux victimes de la répression et à favoriser la mise en place d'un cadre d'action concertée entre les différents acteurs sociaux sur le retour à la démocratisation.
12. Projet N°CAR/ED/84/92 - INTERIGHTS (Subvention 50.000 écus)
- Il s'agit de financer un colloque sur les Droits de l'Homme dans les Caraïbes, organisé par l'ONG Interights, adressé aux praticiens du droit de la région.
13. Projet N° MOZ/ELE/55/92 - ELECTIONS AU MOZAMBIQUE (Subvention 580.000 écus)
- Assistance technique (internationale et nationale) et matérielle pour le démarrage des travaux de la Commission Nationale Electorale, qui sera chargée de l'organisation du processus électoral.
14. Projet N°EGT/PRO/80/92 - CROIX-ROUGE (Subvention 60.000 écus)
- Le Comité International de la Croix rouge au Caire entreprend une campagne de promotion et sensibilisation sur les Droits de l'Homme par l'usage de plusieurs moyens de communication (radio, film et calendrier 1993).
15. Projet N°MOZ/PRO/60/92 - AFRICAN EUROPEAN INSTITUTE (Subvention 50.000 écus)
- Projet Education civique sur la démocratie et la reconstruction au Mozambique réalisé par l'African European Institute en collaboration avec le Conseil Chrétien du Mozambique.
16. Projet N° ACP/COM/24/92 - SEMINAIRE DE JOURNALISTES (Subvention 130.000 écus)
- En mars prochain, Reporters sans frontières organise à Bruxelles un séminaire d'échange d'expérience entre les Journalistes de la CEE et des ACP. Il s'agit de mieux préciser les problèmes de la presse indépendante en Afrique et d'établir des priorités pour l'avenir.
17. Projet N°ACP/PRO/52/92 - TROCAIRE (Subvention 177.500 écus)
- L'ONG Trocaire envisage de faciliter l'échange d'expérience dans le domaine de la paix et la reconstruction entre le Mozambique, l'Afrique du Sud, et le Nicaragua dans le but de créer un "laboratoire de la paix".

TOTAL DE L'ENGAGEMENT: 3.178.500 ECUS

EUROPEAN PARLIAMENT

30 November 1992

OPINION

of the Committee on Culture, Youth, Education and the Media

for the Committee on Foreign Affairs and Security

on human rights in the world and Community human rights policy
(Sixth Annual Report)

Draftsman: Mr António COIMBRA MARTINS

OPINION

(Rule 120 of the Rules of Procedure)

of the Committee on Culture, Youth, Education and the Media
for the Committee on Foreign Affairs and Security

Draftsman: Mr António COIMBRA MARTINS

At its meeting of 30 September 1992 the Committee on Culture, Youth, Education and the Media appointed Mr Coimbra Martins draftsman.

At its meetings of 6 and 26 November 1992 it considered the draft opinion.

At the latter meeting it adopted the conclusions as a whole by 7 votes to 2.

The following took part in the vote: Simeoni, acting chairman; Maibaum (for the rapporteur, Coimbra Martins), Barrera i Costa, Escudero, Gröner, Lambrias (for Fontaine), Mebrak-Zaïdi (for Galle), Rawlings and Schwartzberg (for Rubert de Ventós).

Since the Community, which never renounces its values, has links with all the countries and regions of the world, these essential values must continue to direct and guide such relations.

These values include human rights, which prompted the Council's resolution of 28 November 1991 on human rights, democracy and the development of cooperation policy.

But recognition and words are not enough. Practical action is needed and to this end we must assess to what extent practice corresponds to theory in the Community and, in order to guide our external relations, assess how far human rights are respected in the rest of the world and what progress is being made in this sphere.

This is the reason for Parliament's annual reports on the subject.

We realise that it is not for our committee to consider what happens in the world every year as regards human rights. That is the task of the Subcommittee on Human Rights and the Committee on Foreign Affairs and Security, under whose aegis it works. It is our job to define a cultural framework for human rights and keep this definition accurate and up-to-date, by assessing the implications of each new situation for principles and values.

As the Committee on Culture, we would like to stress that no area in the world where human rights are violated must be ignored, and that there should not be double standards for those who violate human rights. Nor under any circumstances should the freeing of a nation lead to a new form of oppression by those who were formerly oppressed.

Let us take the tragic example of Angola. In that beautiful and fertile African country horror has escalated and the populations are in effect exterminating one another. How long can the international community stand by and let this happen?

There was a swift response to the unacceptable invasion of Kuwait. However, despite the violations of human rights by Indonesia in East Timor nobody has so far put an end to the invasion there or even tried to.

The disintegration of the USSR and Yugoslavia and the new-found independence of the formerly federated republics has given rise to discrimination, oppression and violations of rights directed against the minorities in those countries.

The Committee on Culture should therefore define human rights and their practice and formulation, as a set of rights which are bound to continue growing.

The 1789 Declaration of the Rights of Man lists, among imprescriptible rights, civil rights, above all freedom in its various aspects (individual freedom, freedom of thought, of the press and of religion). It does not guarantee the exercise of essential freedoms such as those of residence, association or assembly; it does not guarantee the enjoyment of economic freedoms (industry, commerce or work); in other words it does not cover social rights.

In practice the rights more or less guaranteed were those of adult white males (much more than women) living in developed areas.

Among all the rights formulated subsequently, especially the most recent ones, we should mention - even in this brief opinion - the rights of minorities and the right to be different.

Unfortunately the present age, which will go down in history as the one which saw the collapse of totalitarianism, is also turning out to be the age of insecurity and harassment for minorities and is marked by an increase in ethnic conflicts.

In many cases these conflicts, especially in the CIS, are caused or aggravated by artificial borders. Such borders keep minorities inside enclaves of another ethnic group, surrounded by populations which crush the ethnic group of the smaller minority, only a few kilometres from another nation belonging to the ethnic group of the enclave, which in turn contains an enclave of people belonging to the ethnic group of the large nation on which it borders. This is the case of Karabakh, inside Azerbaijan, a few kilometres from Armenia (belonging to the same ethnic group as Karabakh, which in its turn contains the enclave of Nakitchevan (inhabited by Azerbaijanis). Obviously this sinister sort of patchwork, sometimes created with Machiavellian motives, is bound to promote constant tensions, which often lead to armed conflicts and massacres.

Whilst recognizing that the redrawing of frontiers is a Pandora's box we are pleased that the European Congress on the Rights of Minorities and Peoples is to be held in Athens on 10 December 1992 and, as the Committee on Culture, we welcome the fact that the organizers of the Congress have given cultural rights priority. These include linguistic and religious rights as well as cultural rights as such.

Neither the Declaration of 1789, nor that of 1948 (United Nations), nor the Council Resolution (1991) referred to above talked of a right which began to be asserted in the middle of this century - namely the right to be different. This right must be recognized and asserted. It should be the task of the Committee on Culture, rather than any other, to list and provide reasons for all the corollaries of the right to be different. But its task should also include opposing the theories or sophistry of those who stress the 'irreducibility' of cultures and are against any kind of interpenetration of cultures or even dialogue between cultures. These are the people who see in any dialogue the beginnings of cultural adaptation and condemn as the most heinous crimes both compulsory adaptation (typical of colonialism) and the outward signs of adaptation, which results from development. They even see the 'pretext' of development as the latest form of ethnocentrism.

A radical attitude as regards the indivisibility of cultures leads to isolation, insularity, the denial of human rights, various forms of fundamentalism and ultimately apartheid...

The right to be different cannot be exercised to the detriment of the right to cultural and intercultural communication.

We should like to add a word about the right of intervention, to which Mr J.A. Escudero referred in his opinion (PE 202.800), which was of great relevance. This right is becoming necessary and in the near future (if not already in the present) events are bound to help to define its scope and obligations.

Finally, since we uphold cultural and intercultural relations, we deplore the inadequate budgetary allocation under this heading.

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It should be the task of the Committee on Culture, Youth, Education and the Media to uphold and promote a culture of human rights. It should therefore also develop the corollaries of these rights until gradually they are formulated as new rights themselves. This means that human rights are a story without an end, since each of them leads to another. Above all, there cannot be rights for certain human beings and not for others. Being universal in theory, in order to become universal in practice they imply a need for all-embracing solidarity. The culture of human rights is what overlays the most diverse cultures and shapes from them and among them the solidarity of a consistent kind of humanism.

In view of the above, the Committee on Culture, Youth, Education and the Media

1. Considers that respect for human rights must be a fundamental criterion for determining relations between the European Community and the rest of the world;
2. Warns that human rights, proclaimed and expanded in successive declarations, have implications which must be formulated and themselves become new inviolable rights, such as
 - the right to freedom of expression;
 - the right to speak one's mother tongue;
 - the right to attend school (the campaign against illiteracy);
 - the right to education;
 - the right to continuing education and training;
 - the right to health and equality of treatment;
 - the right to decent housing;
 - the right to be brought to trial quickly (a limit on preventive custody);
 - the right to live above the poverty line;
 - recognition of the right of asylum for political reasons;
 - recognition of the right of asylum for economic reasons;
 - recognition of the rights of the child, who should be considered as a person with full legal rights, as laid down in the United Nations Convention.
3. Approves wholeheartedly of Parliament's periodically drawing up detailed reports on human rights in the world and Community human rights policy;
4. Welcomes the publication of the latest of these annual reports (the sixth) but feels that it would be logical and desirable for the committees whose opinions have been requested to be able to assess the report before it is published;
5. Hopes and, for its own part, promises that the Community's dedication to human rights and the interest in or recognition and, hence, practical observance of human rights in the world will rapidly bring about a reduction in the suffering which, because human rights and their corollaries are ignored, afflicts so many men, women, old people and children both inside and outside the Community and in so many parts of the world.

