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SECOND REPORT

drawn up on behalf of the Political Affairs Committee

on human rights in the world for the year 1984  
and Community policy on human rights

Rapporteur: Mrs Ien VAN DEN HEUVEL

- PART I -

A. MOTION FOR A RESOLUTION

B. EXPLANATORY STATEMENT

Opinion of the Committee on Development and Cooperation

PE 94.657/fin.I

Or. EN

1921

By letter of 22 May 1981, the Political Affairs Committee requested authorisation to draw up an annual report on human rights in the world.

By letter of 30 June 1981, the committee was authorised to draw up annually a report on this subject.

By letter of 8 November 1984, the Political Affairs Committee requested confirmation of this decision, which was accorded by plenary on 14 January 1985.

On 20 December 1984 the Political Affairs Committee appointed Mrs van den HEUVEL rapporteur.

The following motions for resolution were referred to the Political Affairs Committee by plenary at its sittings of:

- 11 September 1984, motion for a resolution tabled by Mr PANNELLA on the constant violation of individual and ethnic rights by the USSR and the attitude of the countries of the Community (doc. 2-371/84),
- 11 September 1984, motion for a resolution tabled by Mr William NEWTON DUNN on the Hungarian minority in Romania (doc. 2-373/84),
- 13 September 1984, motion for a resolution tabled by Mr PORDEA on the Hungarian minority in Romania (doc. 2-545/84),
- 9 October 1984, motion for a resolution tabled by Mrs VAN HEMELDONCK on the death of hunger strikers in Morocco (doc. 2-571/84),
- 9 October 1984, motion for a resolution tabled by Mr LOMAS on refugees from the Indonesian province of Irian Jaya (doc. 2-605/84),
- 9 October 1984, motion for a resolution tabled by Mr VAN MIERT on the fate of Mark HUNTER and Patricia and Derek HANEKOM, who are accused of high treason in South Africa (doc. 2-623/84),
- 9 October 1984, motion for a resolution tabled by Mr VAN MIERT on the massacres in Uganda (doc. 2-624/84),
- 9 October 1984, motion for a resolution tabled by Mr SCHWALBA-HOTH on the abduction of Mrs Jolanda Consuela Rodriguez Arteaga and her daughter Dina Patricia Cardoza Rodriguez (doc. 2-631/84)
- 9 October 1984, motion for a resolution tabled by Mr SCHWALBA-HOTH on the situation of refugees in Papua New Guinea (doc. 2-632/84)
- 23 October 1984, motion for a resolution tabled by Mr ADAM and others on women of the Royal household and other political prisoners in Ehtiopia (doc. 2-738/84),

- 25 October 1984, motion for a resolution tabled by Ms TONGUE and others on Human Rights in Pakistan (doc. 2-896/84),
- 13 September 1984, motion for a resolution tabled by Mr GAIBISSO and Mr POMILIO on the need for concrete measures to abolish different forms of slavery in practice in the world (doc. 2-541/84),
- 13 November 1984, motion for a resolution tabled by Mr DEPRez on violations of human rights in Argentina (doc. 2-906/84),
- 13 November 1984, motion for a resolution tabled by Mr COLLINS on violations of human rights, including arbitrary arrest, incommunicado detention, extra-judicial executions and the practice of torture in the Syrian Arab Republic (doc. 2-921/84),
- 15 November 1984, motion for a resolution tabled by Mr HABSBURG and others on the case of the political prisoners Valerij Martschenko and Victor Nekipelov in the Soviet Union (doc. 2-974/84),
- 12 December 1984, motion for a resolution tabled by Mrs HEINRICH on the arrest of Otelo de Carvalho and a large number of Portuguese opposition politicians (doc. 2-986/84),
- 12 December 1984, motion for a resolution tabled by Mr GLINNE on the disappearance of Alaide Foppa de Solorzano (doc. 2-1005/84),
- 12 December 1984, motion for a resolution tabled by Mr VANDEMEULEBROUCKE and Mr KUIJPERS on the trial of six Yugoslav intellectuals (doc. 2-1055/84),
- 12 December 1984, motion for a resolution tabled by Mr PRAG and others on the suppression of human rights and trade union activity in Libya (doc. 2-1090/84),
- 12 December 1984, motion for a resolution tabled by Mrs VAN HEMELDONCK on the trial of dissidents in Yugoslavia (doc. 2-1120/84),
- 11 February 1985, motion for a resolution tabled by Mrs VAN HEMELDONCK on the abduction of a Colombian family (doc. 2-1249/84),
- 11 February 1985, motion for a resolution tabled by Mrs DURY on the persecution of Bahá'is in Iran (Doc. 2-1251/84),
- 11 February 1985, motion for a resolution tabled by Mrs LIZIN on the human rights situation in Yugoslavia (doc. 2-1258/84),
- 11 February 1985, motion for a resolution tabled by Mr ROELANTS du VIVIER and others calling for the release of Mr Balakhonov (doc. 2-1267/84),
- 11 February 1985, motion for a resolution tabled by Mr VERGEER and others on the situation in Uganda (doc. 2-1292/84),
- 11 February 1985, motion for a resolution tabled by Mr BERSANI and others on the recent arrests in South Africa (doc. 2-1293/84),
- 11 February 1985, motion for a resolution tabled by Mr SCHWALBA-HOTH and others on the detention of Kamoji Wachiina (Kenya)(doc. 2-1307/84),

- 11 February 1985, motion for a resolution tabled by Mr SCHWALBA-HOTH and Mrs BLOCH VON BLOTTNITZ on the detention of the philology student Sorjan Popadjuk in the USSR (doc. 2-1309/84),
- 11 February 1985, motion for a resolution tabled by Mr SCHWALBA-HOTH and Mrs WEBER on the release of the Filipino trade unionist Crispin Beltran (doc. 2-1310/84),
- 11 February 1985, motion for a resolution tabled by Mr GLINNE and others on torture in Zaire (doc. 2-1435/84),
- 11 February 1985, motion for a resolution tabled by Mr SEAL and others on the banning of political parties in Pakistan (doc. 2-1473/84),
- 11 February 1985, motion for a resolution tabled by Mr DEPREZ and others on the situation of persons in Yugoslavia imprisoned or charged on the grounds of their beliefs (doc. 2-1508/84),
- 11 February 1985, motion for a resolution tabled by Mrs LIZIN on the tragic situation of the Bahá'í Community in Iran (doc. 2-1518/84),
- 11 February 1985, motion for a resolution tabled by Mrs LIZIN on the situation of Jorge PALMA DONOSA, Carlos ARANEDA MIRANDA and Hugo MARCHANT MOYA, prisoners in Chile (doc. 2-1519/84),
- 11 February 1985, motion for a resolution tabled by Mrs LIZIN on the political and economic situation in Chile and the return of emigrants, including Bernardo VARGAS (doc. 2-1520/84),
- 11 February 1985, motion for a resolution tabled by Mr VANDEMEULEBROUCKE and Mr KUIJPERS on the violation of human rights in Albania (doc. 2-1535/84),
- 15 February 1985, motion for a resolution tabled by Mr VANDEMEULEBROUCKE and Mr KUIJPERS on the United Nations Convention against torture (doc. 2-1580/84),
- 15 February 1985, motion for a resolution tabled by Mr VANDEMEULEBROUCKE and Mr KUIJPERS on the disappearance of Serge Berten (doc. 2-1584/84),
- 15 February 1985, motion for a resolution tabled by Mr VANDEMEULEBROUCKE and Mr KUIJPERS on torture in Afghanistan (doc. 2-1587/84),
- 15 February 1985, motion for a resolution tabled by Mr VANDEMEULEBROUCKE and Mr KUIJPERS on executions in Iran (doc. 2-1589/84),
- 9 October 1984, motion for a resolution tabled by Mrs VAN HEMELDONCK on the imprisonment of Suleyman Yasar (doc. 2-556/84),
- 9 October 1984, motion for a resolution tabled by Mr KUIJPERS and Mr VANDEMEULEBROUCKE on the trial of 56 intellectuals in Turkey (doc. 2-568/84),
- 9 October 1984, motion for a resolution tabled by Mr STAES on the fourth anniversary of the coming to power of the military regime in Turkey and events there condoned or instigated by the Turkish government (doc. 2-595/84),

- and death sentences in Turkey (doc. 2-1492/84),
- 11 February 1985, motion for a resolution tabled by Mrs LIZIN on the imprisonment in Turkey of Mr TAMER KAYAS (doc. 2-1521/84),
  - 11 March 1985, motion for a resolution tabled by Mr BERNARD-REYMOND on the rights of Australian aborigines (doc. 2-1666/84),
  - 11 March 1985, motion for a resolution tabled by Mrs VAN HEMELDONCK on recent arrests in Chile (doc. 2-1681/84),
  - 11 March 1985, motion for a resolution tabled by Mrs VAN HEMELDONCK and Mr ARNDT on persecution of Jews in the USSR (doc. 2-1697/84),
  - 11 March 1985, motion for a resolution tabled by Mrs VAN HEMELDONCK on recent arrests in Chile (doc. 2-1768/84),
  - 15 April 1985, motion for a resolution tabled by Mr STAVROU and others on the hunger strike by Spiros and Ilias LEKKAS (doc. 2-1879/84),
  - 15 April 1985, motion for a resolution tabled by Mr COLLINS on the Human Rights Convention (doc. B2-28/85),
  - 15 April 1985, motion for a resolution tabled by Mr ZARGES and others on the violation of human rights in the German Democratic Republic in the case of the German national Mr Ernst-Hubert von Michaelis, of Arolsen (Federal Republic of Germany (doc. B2-44/85),
  - 15 April 1985, motion for a resolution tabled by Mr VANDEMEULEBROUCKE and Mr KUIJPERS on the repression of the Turkish minority in Bulgaria (doc. B2-61/85),
  - 15 April 1985, motion for a resolution tabled by Mr VANDEMEULEBROUCKE and Mr KUIJPERS on the fate of Edvart Arutunian and other dissidents in the USSR (doc. B2-62/85),
  - 15 April 1985, motion for a resolution tabled by Mr VANDEMEULEBROUCKE and Mr KUIJPERS on the fate of the Kurdish minority in Turkey (doc. B2-63/85),
  - 15 April 1985, motion for a resolution tabled by Mr SCHWALBA-HOTH on the arrest of several persons in November 1984 in the Republic of Haiti (doc. B2-64/85),
  - 15 April 1985, motion for a resolution tabled by Mr VAN MIERT on the fate of Ayaz Samoo who has been sentenced to death by a military court in Pakistan (doc. B2-70/85).

The Committee on Development and Cooperation, the Committee on Budgets, the Committee on External Economic Relations, the Committee on Legal Affairs and Citizens' Rights and the Committee on Women's Rights were asked for an opinion.

At its meetings of 26 November 1984, 19 December 1984, 24 January 1985, 27 February 1985, 22 March 1985, the Subcommittee on Human Rights of the Political Affairs Committee considered the draft report.

At its meetings of 24-26 April 1985 and 22-24 May 1985 the Political Affairs Committee considered the draft report.

It adopted the motion for a resolution as a whole on 24 May 1985 by 20 votes in favour and 4 against with 7 abstentions.

The following took part in the vote: Mr FORMIGONI, chairman; Mr HANSCH, vice-chairman; Lord DOURO, vice-chairman; Mrs van den HEUVEL, rapporteur; Mr BALFE (deputising for Mrs CHARZAT), Mr BERNARD-REYMOND, Mr BETTIZA, Mr CROUX, Lady ELLES, Mr ERCINI (deputising for Mr DE MITA), Mrs FLESCH (deputising for Mr DENIAU), Mr B. FRIEDRICH, Mr GAWRONSKI, Mr GRAEFE ZU BARINGDORF (deputising for Mrs HAMMERICH), Mr HABSBURG, Mr KLEPSCH, Mrs LENZ, Mr LOMAS, Mr NEWENS, Mr PELIKAN (deputising for Mr MARTELLI), Mr PENDERS, Mrs PIERMONT, Mr PLASKOVITIS, Mr POETTERING, Mr PRAG, Mr SEAL (deputising for Mr AMADEI), Mr TZOUNIS (deputising for Mr BOUTOS), Mr VERGEER (deputising for Mr ANTONIOZZI), Mr WALTER, Mr WEDEKIND (deputising for Mr BLUMENFELD), and Mr ZAGARI (deputising for Mr SEEFELD).

The opinion of the Committee on Development and Cooperation is attached. The Committee on Budgets, the Committee on External Economic Relations, the Committee on Legal Affairs and Citizens' Rights and the Committee on Women's Rights decided not to deliver an opinion.

The report was tabled on 30 May 1985.

At Parliament's July part-session the report was referred back to committee, pursuant to Rule 85.

At its meeting on 25 September 1985, the Political Affairs Committee re-examined the report and decided to forward this document to plenary without modification.

The report was tabled on 3 October 1985.

The deadline for tabling amendments to this report will be indicated in the draft agenda for the part-session at which it will be debated.

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

MOTION FOR A RESOLUTION

on human rights in the world for the year 1984 and Community policy on human rights

The European Parliament,

- having regard to the following motions for resolution:
  - motion for a resolution tabled by Mr PANNELLA on the constant violation of individual and ethnic rights by the USSR and the attitude of the countries of the Community (doc. 2-371/84)
  - motion for a resolution tabled by Mr William NEWTON DUNN on the Hungarian minority in Romania (doc. 2-373/84)
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  - motion for a resolution tabled by Mr SCHWALBA-HOTH on the arrest of several persons in November 1984 in the Republic of Haiti (doc. B2-64/85)
  - motion for a resolution tabled by Mr VAN MIERT on the fate of Ayaz Samoo who has been sentenced to death by a military court in Pakistan (doc. B2-70/85)
- Having regard to the resolution on human rights in the world adopted on 17 May 1983<sup>1</sup>,
  - Having regard to the resolution on human rights in the world adopted on 22 May 1984<sup>2</sup>,
  - Having regard to the resolution on human rights adopted by the ACP-EEC Joint Committee on 31 January 1985 in Bujumbura, Burundi<sup>3</sup>,
  - Having regard to the Final Act of the VIth EC/Latin America Interparliamentary Conference held in April 1983 in Brussels and its joint commitment to peace, pluralist democracy and the respect of human rights,
  - Having regard to the resolutions adopted by Parliament since 25 July 1985 concerning human rights (listed in Annex VI.)
  - Having regard to the first report of the Political Affairs Committee and to the opinion of the Committee on Development and Cooperation (A 2-61/85),
  - Having regard to the second report of the Political Affairs Committee and to the opinion of the Committee on Development and Cooperation (A 2-121/85),
- A. Recalling its commitment to draw up annually a report on human rights in the world;

<sup>1</sup>OJ No. C161, page 58 of 20.6.1983

<sup>2</sup>OJ No. 84/C 172

<sup>3</sup>CA/CP/528/res./fin. Annex III)

- B. Recalling the terms of its first two annual reports which gave particular emphasis to three fundamental rights: The right to life, the right to respect for the physical and moral integrity of the person, and the right to a fair trial by an independent court and at the same time recognising the fact that human rights are indivisible, i.e. that if we give priority to basic rights we must be concerned about all derived human rights as proclaimed in the Universal Declaration of Human Rights and subsequent Treaties and Conventions;
- C. Noting, with great sadness, that only one-third of the world's population can be said to live in countries where the internationally-accepted standards of human rights and fundamental freedoms are, in general, respected;
- D. Whereas a commitment to democratic principles of government and to the protection of human rights and fundamental freedoms under the rule of law is a prerequisite for membership of the European Community in which every individual can enjoy the guarantees provided by independent judiciaries;
- E. Believing, therefore, that the European Parliament, as the world's only directly-elected international Parliament, has a duty to be particularly active in the field of human rights;
- F. Noting, in this connection, that, largely in response to public concern and appeals by Community citizens, during its first five-year electoral term, Parliament adopted more than 120 resolutions on human rights, tabled more than 500 oral and written questions, and considered more than 80 petitions<sup>1</sup>;
- G. Particularly concerned about the massacres and persecutions in some countries of minority groups, 'disappearances', political killings, and the widespread use of torture, whether mental or physical;
1. Believes that the majority of grave human rights violations are perpetrated by governments or their agents, but also by groups of extremists and terrorists, and that 1984 saw no significant reduction in the number of countries in the world where violations of human rights could be said to be 'gross and systematic';
  2. Recognises that while grave abuses occur in many countries where there is no deliberate policy of violation of human rights there is always the chance of preventing, exposing and punishing such violations where the basic rules of free democracy are observed;

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<sup>1</sup>Annex V

3. Associates itself with Amnesty International's 1984 campaign against torture and its twelve-point programme for the eradication of torture which, according to their report, is practised in 98 countries in the world;
4. Urges, in this connection, the governments of the Ten to review their national policies and legislation to ensure that they do not abet the practice of torture, cruel, inhuman or degrading treatment in third countries, notably by
  - a) not returning refugees to countries where they may be subject to such treatment
  - b) refusing to grant export licences for equipment which would be used for such purposes
  - c) not providing 'safe havens' for torturers and by seeking to bring to justice those responsible for acts of torture in third countries.
5. Welcomes the inclusion in the new Lomé III Convention of specific commitments to 'fundamental human rights' and 'human dignity'<sup>1</sup>, as called for in Parliament's previous annual reports on human rights but regrets the fact that the provisions of this clause are not more specific and do not have a more definite legal value;
6. Welcomes the decision of the ACP/EEC Consultative Assembly in Luxembourg on 22 September 1984 to establish a Joint Working Party on Human Rights, and the subsequent decisions taken by the ACP-EEC Joint Committee;
7. Earnestly hopes that these precedents, with regard to the Lomé Convention, will lead to human rights provisions being incorporated into other external agreements and to a greater dialogue on human rights matters with those countries with which the Community has close ties;
8. Reaffirms the priority of the rights cited in Article 3 of the Universal Declaration of Human Rights, namely the right to life, liberty and security of the person; reaffirms that social and economic rights can only be protected and encouraged if civil and political rights are fully respected; reaffirms the importance, in this regard, of the independence of judicial bodies;
9. Strongly refutes the allegations made by a number of countries that Parliament's actions and resolutions on human rights constitute an unwarranted interference in the internal affairs of those countries, and reaffirms its belief that human rights are a legitimate matter of international concern;

<sup>1</sup>Annex IV

10. Deplores the stand taken by the government of Chile in refusing entry to a member of Parliament's Political Affairs Committee, appointed to draw up a report<sup>1</sup> on the situation in that country;
11. Is gravely concerned about the reports of human rights violations listed below which, though far from being an exhaustive list of the main infringements of human rights around the world in 1984, are in all cases supported by well-founded evidence and documentation<sup>2</sup> and reflect the principal concerns of Parliament, and in particular its Subcommittee on Human Rights, during the course of that year:
- A. Countries which have signed the Helsinki Final Act and Albania
- i) Continued violation by the Soviet authorities of almost all the human rights provisions of the Helsinki Final Act, including such practices as house arrest, resentencing, ill-treatment (including organised beatings of political prisoners), and the abuse of psychiatry for political purposes; these measures are directed principally against religious groups such as Catholics, Pentecostalists and Baptists, as well as those practising the Jewish faith, and ethnic minorities such as the Ukrainians, the peoples of the Baltic States, Armenians and Crimean Tartars, and certain citizens' groups, often human rights activists, whose members have been compelled in 1984 to cease their activities, frequently by imprisonment, banishment or forced emigration; other human rights violations reported in 1984 were the inhuman conditions recorded in the Soviet camps and prisons, which have caused the death of several 'dissidents'; the increase in anti-Semitic speeches and practices; systematic religious persecution and the continuing use of capital punishment; in addition, many persons resident in Community countries are prevented by the Soviet authorities from visiting, or being visited by, those relatives resident in the USSR;
- ii) While welcoming the election of a Turkish civilian government (although with limited powers), the lifting of martial law in most Turkish provinces and the release of many thousands of political prisoners, deeply regrets the continuing detention of about 12,000 political prisoners; expresses its deep concern at reliable reports on the use of torture in some Turkish prisons, in spite of efforts by the Turkish authorities to prevent it, and at the recent trials of members of opposition groups such as the Turkish Peace Association and the DISK trade union, especially those whose dissent has been non-violent; Turkey continues to occupy almost half the State of Cyprus, in violation of the most fundamental principle of the Helsinki Agreement; as a result of the occupation of Cypriot territory,

1 OJ C 127/155

2 Annex I

2,000 people were declared missing, an issue which has remained unresolved to this day, and 200,000 people became refugees in their own country; an attempt is also being made to alter the composition of Cyprus's population by transferring Turkish people from central Turkey;

- iii) In Czechoslovakia, the policy of repression conducted against the signatories of Charter 77 and members of VONS, and also for religious reasons, in the form of dismissals, work bans, police searches and arrests and severe sentences, such as the 6-year sentence imposed on Rudolf Battek and the special surveillance system imposed on former Charter 77 spokesman Ladislav Lis and other citizens on account of their opinions; also in 1984, a prisoner of conscience, Jiri Gruntorad received an additional sentence for testifying that he had been beaten by a prison guard;
- iv) Continued restrictions on basic human rights and fundamental freedoms in Bulgaria, where government forces are reported to have been responsible for the deaths of as many as 40 members of the Turkish minority community who had been opposing 'bulgarisation';
- v) Severe limitations on almost all basic freedoms, particularly the freedom of expression, in the German Democratic Republic, with an extension of police powers in 1984, to prevent unauthorized demonstrations; though East German citizens do not have the right to leave and to return to their country freely and incur a major personal and political risk with every exit visa application they make, the number of people wanting to leave the country - including a large proportion of women - increased considerably; many of the applicants lose their jobs as a result and many run the risk of being arrested; throughout Eastern Europe, in the wake of collective attempts by people in East Berlin and Prague to emigrate to the Federal Republic of Germany, measures were taken to restrict entry to West German embassies; many people are still fleeing over the 'death borders' at risk to their lives; in individual cases, however, Germans from the DDR and the Federal Republic who had been arrested and sentenced were 'bought out' by the Government of the Federal Republic of Germany;



- vi) Frequent detention in Romania of religious, political or human rights activists, sometimes in psychiatric hospitals, with continuing tight controls on all forms of expression and on emigration, which is usually only permitted on grounds of family reunification or of 'undesirability'; repressive measures against certain minority and ethnic groups, with in 1984, the frequent appearance in the Romanian press of anti-Semitic articles;
- vii) In Albania, extreme limitation of all basic human rights and fundamental freedoms by Stalinist methods of government, with many Albanians (including members of the Greek minority community) who have criticised the regime or practised religion continuing to serve long terms in harsh labour camps, in many cases after being convicted at unfair summary trials on the basis of confessions made under duress;
- viii) In Poland, severe restrictions of basic freedoms, despite the cessation of martial law (in 1983) and a conditional amnesty granted to almost all political prisoners; abuses by law enforcement personnel, which are reported to have led to the abduction, torture and killing of at least two persons, one of them a priest, as well as apparent official involvement in the murder of Father Popieluszko; continued harassment of Solidarity and KOR members and human rights activists, who frequently have been re-arrested and arbitrarily detained;
- ix) Intensified pressures and harassment of persons believed to be hostile to the Yugoslav Government, most notably by the arrest and detention of 28 intellectuals at a peaceful gathering, some of whom were beaten, and one of whom subsequently was re-arrested and disappeared and died under suspicious circumstances, while another was sentenced to eight years in prison (reduced to four on appeal), and six other members of the group also were re-arrested and put on trial without full respect of the rights of defence; ethnic Albanian nationalists in the Kosovo region have continued to suffer persecution;
- x) In Hungary, despite a greater degree of official tolerance than in other Warsaw Pact countries, limitations on basic rights and freedoms, such as the freedom of expression, with, in 1984, independent publishers and the organisers of certain art exhibitions being subjected to harassment by the authorities; continuing restrictions on freedom of worship and on freedom of movement for persons known to hold 'independent' views;

B. Countries of the American continent and non-ACP Caribbean countries

- i) The continuing brutal repression including, albeit on different scales, the arbitrary killing of civilians, by government forces (Chile, El Salvador, Guatemala, Nicaragua and Peru) and by right-wing or left-wing extremists and other groups - death squads, guerrillas and insurgent forces - (El Salvador, Guatemala, Nicaragua and Peru) and political assassins in many countries of Latin America;
- (ii) The systematic and widespread violation of human rights in Chile, which has continued to increase since the reimposition of a state of siege, and, in particular, the violent suppression of popular protests supporting the restoration of the democratic process and respect for human rights by the authorities.
- iii) The practice of torture, and cruel, inhuman and degrading treatment in a number of countries, notably Brazil, Chile, Cuba, El Salvador, Guatemala, Mexico, Nicaragua, Paraguay and Peru;
- iv) The continued use of imprisonment without trial, and the denial of basic democratic rights and civil rights which in varying degrees characterise Chile, Cuba, the Dominican Republic, Guatemala, Haiti, Nicaragua, Paraguay, Peru, Uruguay and, to a degree, Mexico;
- (v) The disappearances of thousands of people, including children, in Chile, El Salvador, Guatemala, Nicaragua and Peru;
- (vi) The disregard for the rights of indigenous peoples practised or connived at by the authorities in Brazil, Colombia, Guatemala and Nicaragua;
- (vii) The widespread harassment of the press, trade unions, churches and individuals among them many human rights activists - even in countries where encouraging developments took place during 1984.
- viii) The state of emergency or siege in Chile, Colombia, Nicaragua, Paraguay and Peru.
- (ix) the continuing tragic plight of far more than a million refugees who have fled crisis situations in Central America, particularly in El Salvador, Guatemala and Nicaragua and who have fled from Cuba;

C. The United States of America

The continued application of the death penalty in a number of countries, and in particular, the increased recourse to judicial executions in some States of the United States;

D. Countries of Asia and Australasia

- i) In Afghanistan, massacres of civilians extensive use of the death penalty, torture, the use of chemical weapons, arbitrary killings of hundreds of refugees in bombing raids on Pakistani border villages, as well as other atrocities and reprisals against the rural population - either directed by, or committed by, Soviet troops in direct consequence of the war following the Soviet invasion in 1979 which has led to at least half a million people being killed, wounded or driven from their homes while 3.5 million more have sought refuge in either Pakistan or Iran; arbitrary arrest and virtually indefinite detention without charge or trial is commonplace - often merely on suspicion of opposition to the regime and as a deterrent to others.
- ii) The policies of repression and terror pursued by the Indonesian authorities in Irian Jaya and East Timor, including massacres by military forces, summary executions, indiscriminate arrest, torture, deaths in detention and abductions; the Indonesian Government has continued to exert pressure on Papua New Guinea for the return of refugees who have fled from Irian Jaya; in addition to the imprisonment of large numbers of alleged secessionists, a number of political prisoners arrested after the coup in 1965 still face the death penalty;
- iii) In the Philippines, massacres, illegal killings, burning of villages, arbitrary arrest, detention without charge or trial, and the violent suppression by the security forces of peaceful popular protests, as well as apparent military complicity - according to the official inquiry - in the assassination of opposition leader Benigno Aquino.
- iv) Inter-communal violence in Sri Lanka, including extra-judicial killings, disappearances, and violence by certain elements of the security forces in reprisals for Tamil guerilla attacks; continued discrimination is reported against the Tamil minority community and in Jaffna province human rights and legal safeguards have been suspended, with the application of virtual martial law;

- v) In India, where the Government is committed to democracy and the rule of law, following the assault on the Golden Temple of Amritsar and the murder of the Prime Minister, Mrs Gandhi, the murder of large numbers of Sikhs, at first with inadequate reaction by police or security forces against this brutal communal violence; other human rights violations in India including arbitrary arrest, police brutality and torture, and censorship;"
- vi) The practice by the authorities in Pakistan of arbitrary arrest on a large scale, as well as reported torture and ill-treatment, imprisonment without trial, denial of fair trial, frequent application of the death penalty, brutal corporal punishments and policies of religious discrimination;
- vii) Widespread human rights violations in China, including extensive use of the death penalty, detention without charge or trial in so-called "re-education camps", ill-treatment of prisoners (some of them prisoners of conscience detained solely for the non-violent exercise of basic human rights), the absence of legal safeguards, harrassment of Roman Catholic priests and censorship.
- viii) In Vietnam, continuing large-scale detention without trial in 're-education camps', as well as other human rights violations, including the persecution of Catholic priests and Buddhist human rights activists; moreover, the people of Laos and Cambodia continued to be deprived of their political and civil liberties continuing under military occupation by Vietnam; and there were regular incursions of Vietnamese troops across the Thai frontier; in Cambodia, beatings and other forms of torture were commonplace for the many hundreds of political prisoners, as were arrests without charge, imprisonment without trial, and detention for indeterminate periods;
- ix) Torture and cruel, inhuman and degrading treatment of detainees in a number of Asian countries such as Malaysia and the Republic of Korea.

E. Countries of the African, Caribbean and Pacific regions which are parties to the Lome Convention, and the countries of Southern Africa

- i) In Uganda the discovery of large number of mass graves indicating massacres of, at least, tens of thousands of unarmed civilians by government troops since 1981 - despite the Ugandan Government's refutation of allegations of these killings for which there is overwhelming evidence;
- ii) in South Africa, the widespread violation of human rights, resulting in the death of civilians at the hands of the police: continuance of the basic features of apartheid, with segregation of residential areas into white, coloured, Indian and black townships; refusal to allow black workers in the South African economy South African nationality; imprisonment without trial, deaths of detainees in prison under suspicious circumstances; in 1984 the number of so-called "treason" trials and prosecutions under the 'homelands' policy and the Group Areas Act rose dramatically;
- iii) The practice of institutionalised violence, including arbitrary killings of large numbers of civilians, among them many children, in Chad, Kenya, Liberia, Sudan and Zimbabwe; summary executions in Angola, Cameroun, Ethiopia, Nigeria, Somalia and Zaire; and the widespread practice of arrest and detention without trial by the authorities throughout the African continent, and in some Caribbean countries, including Guyana and Suriname;
- iv) Cruel, inhuman and degrading treatment, including penal amputations, particularly in Sudan, in application of Islamic law, many provisions of which are in violation of certain principles of international law and more specifically the United Nations charter, such as the principle of the physical integrity of the individual and the principle of non-discrimination between the sexes;
- v) A consistent pattern of persecution of religious or ethnic minorities in many ACP countries.
- vi) The violations to a greater or lesser degree of basic human rights and fundamental freedoms in many ACP countries.
- vii) The degrading situation of four million refugees in at least 14 countries, (particularly in the Horn of Africa, Central and Southern Africa), many of whom fear abduction, such as in Kenya, or involuntary repatriation to their countries of origin.

viii) . The continuation in Ethiopia of an internal war between the central government and the secessionist provinces; the systematic violations by the regime of basic liberties; the shortcomings recorded in the fight against famine and particularly the arbitrary conditions to which the channelling of Western aid is subject; the refusal to allow humanitarian aid to be made available to the people of the regions affected by military operations;

F. Countries of the Near East, Middle East and North Africa which have close ties with the European Community

- i) Serious and long-standing violations of human rights in Syria, including 'disappearances', torture and ill-treatment, arbitrary arrest, long-term detention without charge or trial and a lack of basic legal safeguards due in part to the continuing 'state of emergency'.
- ii) In Morocco, the pursuit of repressive policies, including killings, arbitrary arrest on a large scale, detention without charge, the use of torture and ill-treatment of detainees, which have led to frequent hunger strikes as a result of which three people are alleged to have died through lack of care, general absence of legal safeguards or adequate legal representation, and persecution of religious minorities;
- iii) In Israel, the only free democracy in the Middle East, the policy in the occupied territories has led to the persistent friction with the indigenous Arab population and consequent violation of their human rights by the Israeli authorities' practice of arbitrary arrest, long-term incommunicado detention, short-term detention of Arab school children, restriction of free movement without charge or trial, and lack of adequate legal safeguards;
- iv) Widespread violence, killings and abductions in Lebanon resulting from the intercommunal and factional conflicts in that country, where the civilian population also have suffered gravely in certain military operations conducted by the occupying forces of Syria and Israel.
- v) Limitations to human rights and fundamental freedoms in Algeria, (in particular by long-term incommunicado detention and ill-treatment), in Egypt (where use of torture by security forces has led to criminal proceedings), and in Tunisia.

G. Countries of North Africa and the Middle East which do not have preferential agreements with the Community

- i) A consistent pattern of gross violations of human rights and fundamental freedoms in Iran, with at least 10,000 reported extra-judicial killings, including of Iraqi POWs, widespread torture, arbitrary arrest and detention without trial, sometimes in concentration camps; the absence of fair trial and legal safeguards, the brutal repression of members of political opposition groups, as well as of groups like the Kurdish minority and members of the Baha'i faith, who are exposed to persecution throughout the Islamic world;

- ii) The ruthless suppression of all opposition by the Libyan government, by the practice of summary trials and executions, torture, arbitrary arrest, long-term detention of thousands of people, in addition to other violations of basic human rights and freedoms; Libya also openly promotes and supports terrorist activities in other countries, such as, in 1984, in Britain, Egypt, Greece, Italy and Spain, including the murder of Libyan exiles;
  - iii) The frequent practice of execution and torture of political opponents and of other serious violations of human rights in Iraq, as well as the reported use of chemical weapons in the Gulf War, and the brutal suppression of the Kurdish minority;
  - iv) The continuation of the insane carnage of the war between Iran and Iraq, in which the total number killed may now be approaching one million, a war which involves numerous violations of human rights, including the military conscription of children and very young adolescents and pressure on prisoners of war, especially in the Iranian camps;
  - v) Restriction, in accordance with Islamic Law, of the rights of women, in various countries, most notably in Iran where the government has advocated the death penalty for women who do not conform to Islamic standards of dress.
12. Welcomes the moves made in 1984 by a number of governments towards a fuller respect for human rights and a return to the democratic process, most notably:
- a. The continuing improvements in the human rights situation in certain Latin American countries, most notably in Argentina - though undercurrents of political violence persist, despite the full restoration of democracy - and in Uruguay and El Salvador where free elections took place; and in Brazil where certain positive developments also occurred;
  - b. Moves towards liberalisation in certain ACP countries, most notably where amnesty measures were announced and hundreds of political prisoners were set free as in the Central African Republic, the Congo, Djibouti, Gabon, Guinea, Liberia, Malawi, Mauritania, Mozambique, Nigeria and Rwanda, or where death sentences were commuted, as in Cameroun and the Gambia; furthermore in 1984 Cameroun ratified the International Covenant on Civil and Political Rights, its Option Protocol and the International Covenant on Economic, Social and Cultural Rights; Togo ratified both International Covenants; Sierra Leone and Tanzania ratified the African Charter on Human and People's Rights; and Zambia ratified all the above-mentioned international human rights instruments

- c. Positive developments in certain other countries, most notably where amnesty measures were announced and in some cases large numbers of political prisoners were released, as in Algeria, Bangladesh, Cuba, Morocco, the Republic of Korea, Syria and Uruguay, or where death sentences were commuted, as in Abu Dhabi and Tunisia;
- d The positive role played by the church in encouraging respect for human rights in some Latin American countries and in some countries of Eastern Europe, most notably in the German Democratic Republic and Poland, and in South Africa;
- e Moves towards greater press freedom in Argentina, Brazil, China, Egypt, Hong Kong, India, South Korea and Kuwait;

#### Community policy

- 13. Deplores the fact that the Commission, the Council and the Foreign Ministers meeting in Political Cooperation have failed to comply with Parliament's requests, in its annual reports for 1982 and 1983, for a written submission on aspects of Community human rights policy;
- 14. Believes that Community policy should be made more explicit, and that there should be greater coordination between the Community's various institutions, to try to ensure that maximum use is made of the considerable political and economic means at the Community's disposal to promote and enhance respect for human rights;
- 15. Invites the Ministers of Foreign Affairs to redouble their efforts to harmonize and examine their bilateral policy with non-member countries in the light of human rights particularly where trade relations with such countries extend to spheres such as arms sales and the transfer of nuclear and other advanced technologies;
- 16. Considers that in the case of flagrant violations of human rights the Community should consider ending all agreements of aid and cooperation with the offending state;
- 17. Considers, however, that the above should not apply to food aid or to emergency aid, provided that every effort is made to ensure that such aid reaches those sections of the population for which it is intended, notably by channelling that aid through specialised international agencies or non-governmental organisations;
- 18. Deeply regrets that the clear formulation of a comprehensive Community policy on human rights in its external relations, does not appear to be a priority matter in Community policy making at this time of intense debate in many countries of the world about making human rights considerations an integral part of foreign policy;



19. Reiterates its call, therefore, for the Commission, the Council and the Foreign ministers meeting in European Political Cooperation to make written reports to Parliament - by 31 October 1985 - on what is being done, and what could be done in future, to develop a consistent and comprehensive Community human rights policy with respect to third countries;
20. Reiterates its call for the Commission, the Council and the Foreign Ministers meeting in European Political Cooperation to report regularly back to Parliament, both in plenary session and in the colloquies with the Political Committee, on their follow-up to European Parliament resolutions in the field of human rights;
21. Requests, once again, that the abovementioned reports should give particular attention to the following:
  - a) the possibility of making human rights the specific responsibility of one Commissioner,
  - b) making greater use of Commission delegates in third countries to report on human rights matters, and to act as observers at 'political' trials, possibly working in conjunction with locally based diplomats from Community countries,
  - c) the current and potential modalities for linking Community aid with minimum conditions of human rights' protection,
  - d) the feasibility of building human rights' considerations into development programmes and external agreements (particularly in view of the precedent set by the Lomé III Convention) and the extent to which human rights matters could be raised in a wide range of the Community's external contacts,
  - e) increased budgetary provision for human rights related projects within the Community,
  - f) submission of a regular report to Parliament on follow-up to Parliament's resolutions on human rights, and on other Community activities related to human rights, on the basis of clear-cut uncontested criteria, the possibility of informing the President of Parliament, on a confidential basis, of 'discreet' initiatives taken by other Community institutions in human rights cases, to ensure that, where possible, there is a coordinated approach by the Community institutions;

### European Political Cooperation

22. Recognises that the Foreign Ministers of the Ten frequently have reached a common position on human rights issues - in particular at international fora such as the United Nations and CSCE where most of the Western human rights initiatives have been launched by the Ten;
23. Believes that the Community and the Ten would be in a stronger moral position in taking a stand on human rights matters, if all Community countries had ratified the International Covenant on Civil and Political Rights, and its optional protocol, and the International Covenant on Economic, Social and Cultural Rights;
24. Strongly urges, therefore, that the governments of Greece and Ireland should ratify the abovementioned Covenants, and that the governments of Belgium, The Federal Republic of Germany, Greece, Ireland and the United Kingdom should accede to the optional protocol concerning the right of recourse by individuals;
25. Recognises also that on a number of occasions the Ten have made representations to third countries in response to resolutions or requests by Parliament, and that Parliament's resolutions are now given some consideration within the EPC framework, both at ministerial level and in the Political Committee;
26. Believes, nevertheless, that because of the need to achieve consensus within the Ten before taking joint initiatives, much progress remains to be made in systematically raising specific human rights cases and issues with governments of third countries;
27. Believes also that the Ten have failed to maintain sustained and consistent pressure over a period of time to realise human rights objectives and to follow up earlier initiatives;
28. Considers that EPC can be one of the most effective channels for raising human rights matters because of the collective pressure which the Ten can bring to bear when acting together, and because they can do so with less risk of damaging bilateral relationships between an individual Community Member State and a third country;
29. Believes, in this connection, that, at a local level, Community ambassadors in a third country could act together far more frequently in making representations about human rights matters, collecting information, and making clear the Community's position (for instance, by sending a representative of the Ten, as an observer, to certain 'political' trials);

30. Regrets that the information provided to Parliament about human rights initiatives (most notably in response to written and oral questions, and during the quarterly colloquies with its Political Affairs Committee) remains, in general, extremely meagre;
31. Reiterates, therefore, its previous request to Parliament-in-Office - by 31 October 1985 - to make arrangements for Parliament to be informed in an appropriate way (possibly by regular written submissions to the Political Affairs Committee in the context of the quarterly colloquies) as to what initiatives on human rights have been taken by the Ten, at what level and with what effect, and how Parliament's resolutions on human rights have been followed up;

The United Nations and Regional Human Rights Systems

32. Welcomes the adoption by the General Assembly of the United Nations of a draft convention against torture, and other cruel, inhuman or degrading treatment or punishment; and welcomes also the proposals for a European Convention against torture which are currently before the Council of Europe;
33. Declares nevertheless that mental and psychological pressure by governments on individual citizens, such as, for example, the separation of husbands from wives and children, often for periods of more than ten years, and the withholding of medical treatment, are frequently tantamount to physical torture and represent a similar level of inhumanity;
34. Calls on the Ten to be among the first countries to ratify the U.N. Convention, and calls on the Ten to take the lead in ensuring that the draft European Convention retains all its key provisions - such as the establishment of a transnational committee which would be able to visit detention centres without forewarning;
35. Calls on Community countries to augment their contributions to the UN Voluntary Fund For Victims Of Torture<sup>1</sup>, and regrets that not all Community countries have seen fit to contribute to the Fund;
36. Believes that the effectiveness of the United Nations Commission for Human Rights, and other UN bodies, is hampered by its inter-governmental nature, and the inadequate allocation of resources to the U.N. human rights centre, with the result that it has dealt more with general political issues than with specific human rights violations;

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1 Annex VI

37. Calls on the Ten, therefore, to promote, and to lend support, to any moves to transform the UN Commission into a body comprising independent jurists or experts, as is the case with the Human Rights Committee, established to monitor the application of the Covenants;
38. Calls on the Ten, in all the various United Nations bodies concerned with the protection and promotion of human rights, to direct their efforts at the implementation, and enforcement, of existing international standards;
39. Believes that regional human rights conventions, such as the European Convention on Human Rights, and the American Convention of Human Rights, are amongst the most important international human rights instruments and that the 'regional' approach to human rights should be encouraged;
40. Urges, therefore, its Lomé Convention partners, which are members of the Organisation of African Unity, to ratify the 1981 African Charter of Human and Peoples' Rights, in order to bring that Charter into effect;
41. Hopes that the Permanent Arab Commission on Human Rights will make more progress towards agreement on an Arab Convention on Human Rights, and hopes also that countries in Asia will consider drawing up a regional convention, and that the ASEAN Interparliamentary Organisation will actively promote such an initiative, based on the universally recognized principles of international law;

#### Activities of Parliament

42. Believes that Parliament, as an international elected body, has both a vocation and a duty to be active in the sphere of human rights and that this corresponds to the wishes of millions of Community citizens;
43. Regrets, however, that Parliament is still not in a position to take up more than a limited number of issues and cases of human rights violations brought to its attention;
44. Wishes to record its appreciation of the role of non-governmental organisations, and of individual citizens around the world, in providing information to Parliament - in some cases, at great personal risk;
45. Reaffirms its commitment to use all appropriate means to raise and publicise human rights cases and issues, and to uphold the rights of individual citizens, including its interparliamentary<sup>1</sup> and inter-party contacts with representatives and delegations from third countries;
46. Believes that Parliament's work in this sphere of human rights can be made more effective if pursued in a more coordinated and systematic way and that more resources should be allocated to this sector;

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<sup>1</sup>Annex II

47. Regrets, in this connection, the failure of the Bureau of Parliament to act in compliance with paragraph 22 of its 1983 resolution on human rights in the world<sup>1</sup>; and its resolution on the 1984 budget<sup>2</sup>;
48. Instructs its President to forward this resolution to the Commission, the Council, the Foreign Ministers meeting in European Political Cooperation, the Secretary-General of the United Nations, and the governments of all the countries mentioned in this motion for a resolution.

<sup>1</sup>-----  
OJ C172, 2.7.1984, p.39

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

**EXPLANATORY STATEMENT****INTRODUCTION**

The main aim of this explanatory memorandum is to seek to provide what might be termed 'an activity report', focussing in particular on Parliament's work and how it can contribute towards developing a Community human rights policy. This represents, therefore, a somewhat different approach to those adopted in the two previous annual reports - by Mr ISRAEL (which sought to review the human rights situation in the world as a whole) and by Lord BETHELL (which focussed in particular on the development of Community human rights policy).

Your rapporteur had hoped originally also to provide a detailed account of the situation in those countries of the world where there is evidence of gross violations of human rights, and which have been the subject of particular concern to the subcommittee. In view of certain time constraints, however, and in view of continuing difficulties in obtaining adequate research back-up, it was judged that this would not be feasible on this occasion. Your rapporteur, therefore, has limited herself to providing (in Annex I) a full list of the documentation and sources to which she referred in singling out the instances of human rights violations cited in the original draft of the accompanying motion for a resolution.

**PARLIAMENT'S ROLE IN THE SPHERE OF HUMAN RIGHTS**

The European Parliament, as the world's only international directly elected Parliament, can be seen as unique among the wide variety of organisations concerning themselves with human rights - most of which can be categorised as either inter-governmental (IGOs) or non-governmental (NGOs).

Parliament's status as an international body gives it the opportunity to enter into dialogue on human rights matters at a high level with representatives of third countries, without the limitations imposed on an inter-governmental body. Its range of contacts, at various levels, is considerable: in addition to its links with other international organisations, the Community has diplomatic relations with more than 100 countries.

The legitimacy of using these links for human rights objectives derives from Parliament's function in representing the concerns of its electors, as well as the concerns of non-governmental human rights organisations. Indeed, many of its members were elected on platforms making specific reference to Parliament's role in the promotion and protection of human rights in the world.

It should also be noted that, with regard to the human rights situation in third countries, Parliament is able to act independently of the Council or Commission, and that, as an international Parliament, it has a greater capacity to be effective in this field than a national Parliament. Thus, the Parliament has a very distinct role in this sector: it is worth recalling that the original draft of the GENSCHER-COLOMBO Act designated Parliament as the Community body most fitted to deal with human rights matters - though this reference was deleted from the revised text adopted as the 'Solemn Declaration' of Stuttgart. It is certainly the case that many third countries seem to perceive the Parliament as the body which speaks for the Community on human rights.

Your rapporteur believes it is true to say that Parliament's perception of its vocation as a forum for raising human rights issues was very much enhanced by the large number of representations made to the first directly-elected Parliament by NGOs, Community citizens, and indeed by citizens in many other parts of the world. Also, of course, Parliament's first direct elections, in 1979 came at the end of a decade of intense growth of non-governmental activity in the field of human rights, along with much greater perception by citizens at large that human rights were a matter of legitimate international concern.

Nevertheless, your rapporteur feels, that there remained quite considerable doubts among many MEPs as to the extent to which the European Parliament should become involved with human rights matters in third countries. In many cases these doubts derive not from indifference, but from a recognition that while it is easy to talk about human rights, it is much more difficult to be effective in this sphere. Your rapporteur is aware that some of these doubts persist among a number of MEPs - not least, because it is felt that the Parliament does not have the capacity or expertise adequately to process all the information that is brought to its attention. Also, of course, it is felt by some that too forthright a stance on human rights issues can be detrimental to Community relations with third countries.

Your rapporteur believes, however, that, whatever the merits of these arguments, the European Parliament, by virtue of its activity in the human rights sphere, ipso facto, has proclaimed itself to have a vocation in this area. The table shown in Annex V gives some indication of the extent to which human rights matters have figured in Parliament's work and concerns, and the extent to which there was a steady growth in this activity during Parliament's first electoral term. On a number of occasions it could be said that 'Question Time' to the President-in-Office of European Political Cooperation was dominated by human rights matters.

## WORKING GROUP AND SUBCOMMITTEE

At an institutional level, Parliament's response to this growing interest in human rights work, was the creation, in October 1980, of a Working Group on Human Rights, under the auspices of its Political Affairs Committee<sup>1</sup>. Letters, appeals and representations by outside bodies were referred to the Working Group, as well as the large number of motions for resolutions tabled by MEPs themselves.

The Working Group also sought to take a number of initiatives and to give direction to Parliament's human rights work. At the request of the Working Group and the Political Affairs Committee a large number of discreet representations were made to third countries by the President of Parliament, either by letter or in direct contacts. In addition, certain of Parliament's delegations agreed to raise human rights issues and cases that were of concern to the Working Group, with representatives of third countries.

Two public hearings were held - in April 1983 on various forms of human rights violations, and in April 1984 on human rights violations in Turkey. In 1983 the Bureau of the Working Group travelled to Madrid to represent the concerns of Parliament with regard to human rights at the CSCE follow-up conference; and in February 1984 two members of its Bureau visited Pakistan, principally to report on the situation of the Afghan refugees, but also raising certain human rights matters. Also, of course, a number of meetings were organised with representatives of outside bodies or individuals concerned with human rights violations.

However, despite its efforts to bring some coordination, and direction, to Parliament's human rights work, it soon became apparent to the members of the Working Group that it was not capable of dealing adequately with all the matters referred to it. It even proved extremely difficult for the Working Group to keep abreast of all the human rights initiatives being taken within Parliament itself (by its President, by its delegations, by group or inter-group delegations, by its Petitions Committee, or by members acting in an individual capacity).

This problem persists, though the Parliament has taken certain limited steps to establish a more adequate infrastructure in its Directorate General for Research and Documentation to collate information and to monitor Parliament's own human rights activities, in addition to providing research papers.

<sup>1</sup>The Working Group's remit was to consider human rights violations outside the European Community, with responsibility for human rights within the Community falling to the Legal Affairs Committee



Following the 1984 European Parliament elections, the Working Group was upgraded to the status of a Subcommittee of the Political Affairs Committee. Among its first decisions was that the practice of drawing up an annual report on human rights should be maintained - hence the present document. For the reasons outlined above, however (notably the limited infrastructure to service this sector) it still has not been possible to make this document as comprehensive as the subcommittee would have wished, i.e. a thorough-going compilation of all the Community's human rights activities in the course of the year, as well as setting out in detail those developments in the human rights field that were of particular interest and concern during 1984 to the Working Group and to the subcommittee.

The subcommittee also agreed that, although Parliament could be said to be the Community institution which had taken the lead in human rights matters, much remained to be done to make its own work more effective. The rapporteur hopes, the subcommittee will draw up in the near future a comprehensive analysis of Parliament's human rights activities, and the way in which they should be developed.

#### INSTITUTIONAL AND ORGANISATIONAL OBJECTIVES WITHIN PARLIAMENT

Without wishing to prejudge the conclusions that the subcommittee may reach, your rapporteur feels obliged to put forward, at this stage, some of her own views as to certain objectives which must be realised within the institution, if Parliament is to live up to its vocation in the sphere of human rights:

##### 1. Coherent and coordinated action on human rights

Your rapporteur believes that the Political Affairs Committee and its subcommittee should be in a position to coordinate and guide the European Parliament in human rights matters. It has become apparent to many members of the Political Affairs Committee that an ever growing number of resolutions are being adopted in plenary, under urgent procedure (Rule 48), on matters already being dealt with in the subcommittee. It is the view of a number of members of the subcommittee that urgent resolutions on human rights could be passed in a more selective way, and that on some occasions a particular human rights case would have been more effectively dealt with by different means. It is also felt that, all too frequently, decisions as to which human rights motions should be taken under Rule 48, are made purely on the basis of criteria of 'political balance'. It is your rapporteur's hope that, while respecting the sovereignty of plenary, some means can be found whereby the Political Affairs Committee and its subcommittee can guide plenary

on the selection of 'urgent' human rights cases for debate. At the time of drafting, a new procedure had been initiated, on an experimental basis, by President PFLIMLIN, to enable the Bureau of the Subcommittee to provide advice to the Political Group Chairmen on 'urgent' human rights resolutions.

2. Establishment of a system to deal with urgent cases

It is your rapporteur's view that Parliament's procedures to intervene in human rights cases where rapid action is essential are inadequate at present. Clearly, because of Parliament's nature as a political institution, it can only take action when there is the necessary political consensus. However, your rapporteur hopes that the subcommittee will be able to submit proposals in order to streamline the procedures which are currently applied.

3. Establishment of a research unit

This would greatly facilitate the abovementioned objectives, and, as noted earlier, some steps in this direction already have been taken. Any such unit should have a modern classification and retrieval system, with access to specialised data-bases, and should:

- (a) be able to provide a rapid information service on human rights issues and cases at all times, possibly working in conjunction with HURIDOCs, as called for in Parliament's earlier annual reports
- (b) record and collate all information about Parliament's various human rights activities, and about human rights actions and initiatives taken by other Community institutions
- (c) undertake more detailed longer term research projects.

The services of this unit should not just be at the disposal of the subcommittee. It should also be available to all MEPs and, in particular, to other bodies within Parliament working on human rights i.e. the ACP/EEC Working Party, delegations, Petitions Committee, etc.

4. Preparation of a comprehensive annual report on human rights

As indicated earlier, your rapporteur believes that this is a valuable practice which should be maintained. In her view, the report should:

- (a) set out what the Parliament and the Community have achieved in the sphere of human rights in a given year, listing all actions and initiatives taken (except in those instances where it is felt that material should be kept confidential)
- (b) review progress made towards the evolution of a Community human rights policy
- (c) state Parliament's principal concerns in the sphere of human rights in the context of a general review of the human rights situation worldwide.

It may be recalled that originally it was the intention of the Working Group and the Political Affairs Committee that the Ten, in the framework of European Political Cooperation, should draw up an annual report on human rights for submission to Parliament, along the lines of the annual report submitted to the U.S. Congress by the State Department. They declined to do so, and Parliament undertook to draw up its own report. Nevertheless, it clearly would be of great value if EPC and the Commission would be prepared to contribute to this report by providing material to which Parliament does not at present have access. Your rapporteur wishes to underline, however, that any such contribution obviously would be a complement to and not a substitute for the annual report of Parliament, which would have the political responsibility of evaluating any material submitted.

(Preparation of this report, at the direction of a rapporteur or a team of co-rapporteurs, would be one of the principal functions of the research unit, which would be required to keep abreast of human rights developments throughout the year in question).

5. Establishment of a system of systematic follow-up

Again, the human rights unit would be central to this task, ensuring that all of Parliament's actions and initiatives in the sphere of human rights are regularly followed up, in the way judged best by the subcommittee, making use of the full variety of means at Parliament's disposal.

(Thus, for instance, even an individual MEP making a visit to a third country - even in a personal capacity - would be made aware of any demarche already made to the authorities of that country about a human rights case).

6. Making full use of Parliament's delegations

Your rapporteur believes that every effort should be made to ensure that human rights matters are raised in a systematic and regular way, making use of the whole range of Parliament's delegations (full interparliamentary delegations, inter-group delegations, group delegations, fact-finding teams).

At the time of drafting, discussion, on this matter had been initiated between the Interparliamentary Delegation Chairmen and the Bureau of the Human Rights Subcommittee.

Your rapporteur appreciates that there is a considerable divergence of view among delegation chairmen, a number of whom feel it is not appropriate to raise human rights matters as a formal part of proceedings at delegation meetings.

In that event, your rapporteur believes that it should be feasible for one or more members of a delegation (preferably members of the Political Committee or Human Rights Subcommittee) to be mandated to raise certain human rights

cases with an appropriate minister in the country concerned. This activity, of course, could be seen as taking place outside the formal framework of the delegation visit.

This sort of practice has been adopted on a number of occasions in the past, though human rights matters also have been raised, from time to time, as a formal part of delegation proceedings. It should be emphasised, however, that whatever procedure is adopted, this activity should be regular and systematic.

The effectiveness of any such procedure naturally will depend, to a large extent, on careful preparation of dossiers by the research unit, which should single out those cases where it is believed that the country in question might be susceptible to Community pressure.

Your rapporteur believes that where Parliament has taken a public stand on a human rights matter by passing a resolution, this always should be brought formally to the attention of the country in question, in any direct contacts with representatives of that country.

#### 7. Fact-finding missions

Your rapporteur believes that small fact-finding missions to third countries where human rights are violated can be of great value. Clearly, any such delegations only could be sent if the country in question agreed in advance to respect certain conditions (i.e. with regard to freedom of movement and permitting the fact-finding team to make contacts). Experience has shown, however, that even countries which practise gross violations of human rights have been prepared to accept fact-finding visits from international bodies on mutually agreed terms.

It might be envisaged, for example, that such a delegation could visit a third country specifically in order to be present, as observers representing the European Parliament, at a 'political' trial. Or, Permission might be requested to visit a prominent political prisoner. Certainly, the symbolic effect of a visit by a European Parliament delegation to, for instance, Nelson Mandela, or Andrei Sakharov (as called for in Parliament's resolution of 27 July 1984) would be considerable. The visit by the Human Rights Subcommittee's first vice-chairman, Lord BETHELL, to Nelson MANDELA, in Pollsmoor Prison in January 1985 might be cited in this connection.

#### 8. Public hearings

As stated earlier, the Political Affairs Committee has held two public hearings on human rights. Both were judged successful - the first, in particular, attracting considerable media coverage. Your rapporteur believes,

in the light of this experience, that public hearings, with a specific focus, can be extremely valuable (perhaps more so than a resolution of Parliament) in drawing attention to a human rights issue and bringing pressure to bear on the government of a third country. The Political Affairs Committee already has decided to hold a public hearing on human rights violations in Iran during the second half of 1985.

9. Closer monitoring of EPC

Your rapporteur believes it essential that Parliament be better informed about the activities of the Ten in human rights, and also, indeed, about the positions taken by individual Community countries in their bilateral relations with third countries. It is to be hoped that, as called for in the accompanying motion for a resolution, the Ten will be more forthcoming with information to Parliament in the future.

In this connection, your rapporteur believes that a delegation from the subcommittee should travel to Ottawa in May 1985 for the CSCE 'expert level' meeting on human rights and to the 'expert level' meeting in Berne in mid 1986 on human contacts. Parliament's presence at the latter meeting would seem to be particularly important because of the large number of family reunification cases constantly being brought to its attention. (As mentioned earlier, the Bureau of the Working Group travelled to Madrid in March 1983 to represent the concerns of Parliament with respect to the implementation of the human rights provisions of the Helsinki Final Act).

CONCENSUS ON HUMAN RIGHTS ISSUES

In conjunction with the above suggestions, much will depend on painstaking preparation and detailed research. Anyone familiar with the work of major human rights NGOs, like Amnesty International, will be aware that human rights work is labour-intensive, requiring constant cross-checking and verification.

Your rapporteur certainly does not propose that the Parliament should, or even could, undertake - without a vast expansion of its resources - the sort of monitoring activity already performed by numerous other bodies. Nevertheless, Parliament does receive a certain amount of original information from its own sources, which does require to be properly checked and processed. Reliance on secondary sources of information also depends on proper processing of this information, and it is important that such sources should be as diversified as possible.

By comparison with human rights NGOs, the European Parliament, in its turn, is far better equipped than most other bodies - both inter-governmental and non-governmental - to be an actor in the field of human rights, provided it has the necessary research back-up. It is your rapporteur's view that, in the past, certain initiatives have proved to be counter-productive because of inadequate preparation.

Your rapporteur also recognises that, as a political body, Parliament's work only can be really effective if it acts in the sphere of human rights in a united and coherent way. Obviously, there is often a considerable divergence of views across the spectrum of Parliament's political groups. Yet your rapporteur believes that - despite differences of emphasis between right and left - Parliament can find broad agreement on most issues in the sphere of human rights. It is noteworthy that the first annual report (for 1982/3) was adopted by 185 votes to 10 with 9 abstentions and the second annual report (for 1983/4) by 119 votes to 2 with 6 abstentions.

It is also noteworthy that, for the first time, in April 1984, Parliament's Political Affairs Committee was able to hold a public hearing on violations of human rights in a specific third country, with the agreement and participation of members of all of its political groups.

Your rapporteur also notes that the Working Group on Human Rights - and, so far, the Subcommittee - has managed to achieve a high level of consensus on most issues.

#### RESULTS ACHIEVED

In making the case for Parliament's human rights work, and the amount of energy devoted to this activity, your rapporteur is frequently reminded of the need to be able to point to results achieved. For many, a moral justification is not enough. Your rapporteur is aware that a number of claims have been made by fellow MEPs that, as a result of Parliament's pressure, the plight of a particular individual or a minority group has been alleviated.

Your rapporteur believes, however, that it is difficult, and even unwise, to make such claims. Although there have been cases where it can be argued that Parliament's efforts resulted in success in a human rights case, it is almost never possible to argue this with any certainty. Usually, Parliament's

voice is one among many campaigning on behalf of a particular prisoner or group - and success is the result of the combined efforts of a variety of different bodies and concerned individuals, seeking to bring pressure to bear in different ways and at different levels. At a more general level, your rapporteur must admit that it is equally difficult to argue that, with all the efforts that have been made in the human rights sphere in recent decades, that the world is a less cruel place now than it was ten years ago. For your rapporteur, however, the moral justification for continuing this work remains.

Certainly, statements have been made by victims of human rights violations that Parliament's work has been effective in their particular case, and this, clearly, has been the cause of some satisfaction. But, it must be admitted the number of such instances is very small in proportion to the total number of cases and issues which Parliament has taken up. Very much more frequently Parliament learns that its efforts have been in vain. One such case that might be cited is that of Jermak Lukianoff - a Belgian national of Soviet origin - arrested in 1968 during a visit to the Soviet Union, detained largely in psychiatric hospitals for fifteen years, and in 1983 condemned to death for 'defection to the enemy' during World War II. Despite intense efforts by various bodies of Parliament, its President, individual MEPs, other Community institutions and interventions by Community Ministers at the highest levels, Mr Lukianoff was executed in May 1984.

With such examples occurring all too frequently, this also may lead certain members, once again, to question the value of Parliament's human rights activity - particularly with regard to intervention in individual cases. It should be noted here that - more so than other international institutions - the European Parliament has become engaged in what might be termed 'case work'. Your rapporteur believes that Parliament's approach to this kind of work, and certain questions of principle involved, should be examined further by the subcommittee, possibly in conjunction with the Inter-Parliamentary Union, which appears to have been singularly successful in this field.

In this report, your rapporteur deliberately has not referred to representations made on behalf of particular individuals or about specific cases - largely because this might render less effective any future approaches to the country in question. It should not be forgotten that the 'power to embarrass' can often be more effective when used as a threat than when actually exercised.

The example of Jermak Lukianoff was given, however, because the Soviet Union, in Parliament's experience, has shown itself to be among those countries least

susceptible to political pressure. Other countries, including certain countries in Eastern Europe, have proved more responsive. It is certainly clear from the letters and communications to Parliament from countries refuting charges of human rights abuses that governments are more sensitive to criticism than might be supposed. Once again, however, it is extremely difficult to quantify the extent to which this sort of sensitivity has a positive effect on the case or issue raised. In this connection, your rapporteur would cite the example of Iran, whose responses to Parliament and other Community institutions could be said to indicate that its government is impervious to outside pressure. Yet, to take the specific example of the Baha'i minority in Iran, it is noteworthy that leading human rights NGOs and experts, as well as Baha'i representatives, have stated that they believe that, without the intense international pressure that has been applied, the persecution of the Baha'i minority would have been much worse.

#### COMMUNITY POLICY

The example of Iran, however, does point up the extent to which Community pressure can be most effective where what might be termed 'leverage' can be applied. Thus, it might be supposed, that the close ties between the previous regime in Iran and certain Western countries offered the prospect that any pressure exercised would be that much more effective. There is no question about the wide range of human rights abuses practiced or connived at by the Government of the Shah, but it was certainly well known that the Shah was intensely sensitive to Western criticisms, particularly public criticism.

Thus your rapporteur would argue that, in order to enhance its effectiveness, the Community should seek to influence in particular those countries with which it has close ties - by an association agreement, or a trade and aid relationship. Your rapporteur believes that the action taken with regard to Spain during the Franco dictatorship was an important moral sanction, and that its current 'freezing' of the association agreement with Turkey is equally so.

This brings your rapporteur to what is the main thrust of the accompanying resolution - as indeed was the case in the two previous annual reports - that the clear definition of a Community policy in these matters is indispensable.

Your rapporteur does not propose to restate here the proposals which were made in Mr ISRAEL's report for 1982 and which were



explored rather more fully in Lord BETHELL's report for 1983 since these are views with which she largely concurs.

Most of the main points made in this year's resolution were made in the two previous resolutions— with, so far, very little response from Commission or Council, or indeed indication of willingness by either institution to enter into any sort of dialogue with Parliament.

Your rapporteur, however, would wish to mention one particular matter — the question of the modalities for linking trade, aid and cooperation agreements, particularly preferential agreements, to minimal observance of human rights conditions. Your rapporteur, while recognising the legal complexities of this area and the Community's need to be seen to respect its international obligations ('pacta sunt servanda') believes that this whole field requires careful reexamination. Apart from the legal and political complexities, there are also important human considerations: sanctions can injure those individuals in whose name they are applied. It could be argued that this was the case with the suspension, for example, of Community food aid to Vietnam in 1979 because of human rights violations by that country and its military interference in neighbouring countries.

Your rapporteur believes, nevertheless, that the policy applied with regard to the Amin regime in Uganda on the basis of Council's decision of 21.6.77 was correct and that the similar measures taken against Equatorial Guinea and the Central African Republic were equally justified. Your rapporteur hopes, therefore, that the Commission and the Council will be able to come forward with their views on how this policy could be further developed.

Your rapporteur is aware of the widely held view that an 'ad hoc' policy is, at present, the only realistic one, and that a clear statement of policy would not make the Community more effective. Your rapporteur does not share this view. She believes that the agreement to include a public commitment to human rights and human dignity in the Lomé III Convention during 1984 was extremely significant, set an important precedent, and that such a commitment could now be included in other preferential agreements.

Your rapporteur believes that the reluctance to travel too far down the road towards a formal policy on human rights is to be found principally among governments, civil servants and diplomats. She believes, therefore, that it is very much up to Parliament to press for progress in this area, and recalls that in the United States it was largely Congressional pressure which led to the introduction of legislation providing for the termination of economic assistance to governments which systematically engaged in gross abuses of internationally recognised human rights.

#### IMPORTANCE OF PUBLICITY

By way of conclusion, your rapporteur would state that, by and large, policy and action on human rights should be public. This is not to denigrate human rights work performed by 'discreet' means, where success often depends on not embarrassing a third country. And certainly tribute should be paid here to the personal efforts of the European Parliament's Presidents in its first electoral term in making confidential demarches. However, one must not lose sight of the fact that success in isolated cases, depending often on the 'goodwill' engendered by close diplomatic relationships, can deflect attention from, or camouflage, a widespread pattern of human rights violations.

Where violations are judged to be gross and systematic, your rapporteur believes that the Community and its Parliament have a duty to confront the offending government publicly, and should seek to interfere and bring pressure to bear as a matter of policy, putting human rights considerations before trade, strategic or any other considerations.

Finally, therefore, your rapporteur wishes to restate her view that a coherent and comprehensive statement of Community policy, as called for in the 1982 annual report and the 1983 annual report, and also in the attached motion for a resolution must be forthcoming. So far, the Commission and Council, despite their statements of good intentions, and their own actions on human rights, clearly have not been willing to engage in any form of dialogue with the Parliament on this matter. If this situation continues, it calls into question their commitment to, and the credibility of, many of the founding tenets of the European Community.

OPINION

(Rule 101 of the Rules of Procedure)

of the Committee on Development and Cooperation

Draftsman: Ms. Colette FLESCH

On 17 December 1984, the Committee on Development and Cooperation appointed Ms FLESCH draftsman of the opinion.

The Committee considered the draft opinion at its meeting of 26 March 1985 and 24 April 1985. It adopted the draft opinion on 24 April unanimously.

The following took part in the vote: Mrs Focke, Chairman; Mr Bersani, vice-chairman; Ms Flesch, draftsman; Mr Baget Bozzo, Mrs Cassanmagnago Cerretti, Mr Chinaud (deputizing for Mr Beyer de Ryke), Mr Fellermaier, Mr Luster, Mr Pearce (deputizing for Mrs Daly), Mrs Rabbethge, Mrs Schmit, Dr Sherlock (deputizing for Mr Simpson), Mrs Simons, Mr Toksvig (deputizing for Mr Ch. Jackson), Mr Ulburghs (deputizing for Mr Pannella) and Mr Verbeek.

## INTRODUCTION

1. Since the previous opinion of the Committee was sought on the question of human rights, in March 1983<sup>1</sup>, it has to be recognised that as far as the developing countries of the world are concerned there have been few improvements. Yet, a number of advances, and a certain degree of progress has been accomplished in this domain both in relation to specific countries and in relation to the establishment of new multilateral international commitments. Such changes as these have contributed to an evolution in the conceptual approach which has been used in assessing the international human rights situation; while not weakening in any way, our condemnation of individual human rights violations, whenever they occur. But, the problem is a complex one, and although the Committee on Development and Cooperation fully recognises the effort which the Sub-Committee on Human Rights of the Political Affairs Committee and the Human Rights Unit have made in seeking to establish a thoroughly researched report, a number of comments and criticisms are nevertheless required.

2. It is the objective of the draftsman for an opinion of the Committee on Development and Cooperation to make such comments as constructive as possible in order that the European Parliament may develop an effective role on human rights, their promotion and their preservation particularly in the context of the relationship between the European Community and the ACP States.

3. The creation of an official Sub-Committee on Human Rights, by the European Parliament not only enhanced the ability of the European Parliament to tackle human rights questions more efficiently; it also created a body of some considerable symbolic significance. This is to be welcomed. Limited financial means, and consequent logistical difficulties preclude a full development of the Sub-Committee's potential given that all its members are already fully active in other areas of parliamentary activity. Because of such factors, the objective of such a body cannot be to emulate already existing human rights organizations, but to channel their findings by

<sup>1</sup> Draftsman: Mr D. ENRIGHT - Doc. 1/83/I

democratic and parliamentary means, with the full inherent authority of a directly elected international parliament, in order to exert pressure on those responsible for human rights violations. The Human Rights Unit, attached to the Directorate General for Research and Documentation, provides an adequate and essential administrative support for such work.

4. It has been suggested by the Sub-committee that, partly through the offices of Interparliamentary Delegations, human rights issues should be raised in a "systematic and regular way". This may be useful in a certain number of cases, especially where the European Parliament itself has voted resolutions concerning particular cases.

5. However, by the adoption of a "systematic and regular" approach, the European Parliament may run the risk of making our efforts too predictable, and in a sense, making them therefore banal. Members are all aware of the various ways that pressure can be brought to bear on any recalcitrant government - by creating a high media coverage campaign, by withholding financial or technical support, by informal diplomatic channels, and so on. The type of pressure brought to bear would, in general terms bear some relationship to the degree to which human rights are violated, and which human rights are violated.

6. This opinion concurs with the view expressed in the Sub-Committee on Human Rights that "... by and large, policy and action on human rights should be public. This is not to denigrate human rights work performed by "discreet" means, where success often depends on not embarrassing a third country".

7. However, more needs to be said about the nature of human rights, drawing in particular on the area of competence of the Committee on Development and Cooperation, and on the work of the ACP-EEC Joint Committee and Consultative Assembly.

8. At an informal meeting which was held in December 1984 in Strasbourg between the President of the Committee on Development and Cooperation, the Vice-President of the Political Affairs Committee, the Chairman and Rapporteur of the Sub-Committee on Human Rights and the Rapporteur of the ACP-EEC ad hoc

Working Group on Human Rights, the Development Committee spokesman considered that, at that time, the emphases placed on certain aspects of the draft report were detrimental to its overall objective. This was particularly true in relation to the lack of historical assessment, and in relation to the balance between the negative and positive elements concerning the ACP countries, associated with the EEC via the Lome Convention. There were also some inconsistencies concerning specific countries, and a number of unfounded generalisations were made. These criticisms were subsequently considered and in some cases, modifications were made to the original draft.

9. It would be appropriate to include the resolution and explanatory statement on human rights adopted by the ACP-EEC Joint Committee meeting in Bujumbura in January 1985 as an annex to the report of the Political Affairs Committee.

Countries of the American continent and non ACP-Caribbean countries

10. Due emphasis should be given to the fact that a number of countries in Latin America and Central America have changed the nature of their political regimes by initiating democratic reforms and direct elections. Such is the case for Argentina, Brazil, Uruguay, Bolivia, El Salvador and Nicaragua. Given the degree of human rights violations by the dictatorships, violations which were particularly brutal and barbaric, as in Chile, and the corruption which often accompanied non-democratic governments, and the consequent difficulties in extricating such countries from a very serious, even dramatic economic plight exacerbated by years of military or authoritarian rule, the draftsman for the opinion considers that such factors need to be emphasised. Distinctions should be made also between violations of civil and political rights by governments or their agents, or by individual terrorist groups, though both deserve the criticism. Frequent omission of historical criteria gave a misleading slant to many of the otherwise justified criticisms that can be made of the human rights situation in this region.

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#### Countries of Asia and Australasia

11. Asia has suffered more than any other continent since the Second World War as a result of gross violation of human rights, mass killing and genocide; not to mention foreign military occupation and war. Concerning "Indo-China", a simplistic view has to be avoided to adequately reflect the situation as regards human rights given the turbulent past. But if the object of criticism should fall on Vietnam alone as an aggressive power in the region, a lack of balance in judgment could result in undermining the credibility of any protests which we might make. Military occupation of Kampuchea, as unpleasant as that may be and as contrary to international laws and conventions as that may be, has according to most reports led to a certain improvement in respect of human rights compared to the regime of Pol Pot, who still controls sections of Kampuchea. The situation in the region, and in particular the problem of refugees, merits attention because of the frequent abuse of human rights and the great human suffering that is taking place. A commitment by the European Parliament to give financial and technical support to refugees - both for the 'boat people' and those who are in camps on the Thai border would be welcome.

#### Countries of the ACP regions which are parties to the Lome Convention and the countries of southern Africa

12. Because of the effects of colonial rule, more marked on the African continent than on any other; the assessment of the human rights situation becomes more hazardous - with the notable exception of South Africa where the criticisms contained in the resolution are amply justified. The ACP-EEC Joint Committee resolution states, in this case (inter alia)

- "1. Again condemns the South African apartheid regime for its crimes and for the repeated violations of human rights of which it is guilty;
2. Notes that South Africa has not ceased its attempts to destabilize its neighbours and refuses to comply with the non-aggression pacts concluded with them;<sup>2</sup>

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<sup>2</sup>Resolution on southern Africa adopted by the Joint Committee on 31 January 1985 in Bujumbura (Burundi) paras. 1 and 2 - CA/CP/534/fin.

13. The institutions of the Lome Convention, notably the ACP-EEC Joint Committee and Consultative Assembly (to become the Joint Assembly in September 1985) provide a valuable and unique platform for North-South cooperation. As well as technical aspects of cooperation, political affairs are also discussed, and to an increasing extent these have become a salient feature of our meetings. Largely as a result of the deliberations of the ACP Joint Committee and Consultative Assembly, a number of new items have been incorporated in the Lome III Convention signed in December 1984 and due to be fully ratified during the course of this year. Most notable amongst these are the inclusion of references to human rights, noted by the Sub-Committee on Human Rights in its motion for a resolution.

14. In addition to this, the Consultative Assembly decided to create an ad hoc Working Group on Human Rights, which reported its findings to the Joint Committee in January 1985. Not only was the Working Group composed of equal numbers of ACP and European Parliament representatives, it was also able to reach a consensus on matters which until that time had been considered to be taboo subjects. One of the factors which facilitated agreement was the introduction of the various concepts of human rights as seen from a European and an ACP perspective, including the right to development. Due emphasis was also placed on the historico-cultural differences related to human rights, bearing in mind their universality. The ad hoc Working Group considered various aspects of human rights policy, outlined in paragraph 29 of their report "Beyond our common commitment to oppose all human rights violations - torture, imprisonment and detention without trial, summary executions, the denial of freedom of expression and the right to equality before the law, and so on, as defined in the Universal Declaration of Human Rights - there exist other issues, the understanding of which can contribute to the furthering of human rights in more general terms. They are issues which in the context of a closer political cooperation between the North and the South - for which the ACP-EEC Joint Assembly is ideally suited - we can usefully discuss racism, nationalism, the right to development, and the fight against hunger in the

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world.' It also endorsed one point in particular, contained in a Council of Europe Report on Development Cooperation and Human Rights<sup>3</sup> that the right to development must serve the development of human rights in their indivisibility, and that development must aim towards the promotion of human dignity, not solely economic and material well-being".

15. In recent discussions on human rights the concept of the right to development has featured strongly. However, no definition of the term has been widely accepted. We believe that the term 'right to development' concerns not only the volume of development funds provided for developing countries by the developed countries, but also the way in which the development assistance is used. When referring to the right to development we should make it clear that this means right of the individual to benefit directly from the development assistance provided by aid donors.

16. One of the observations made was "it is clear that an improvement in the underlying economic situation in a given country may have a positive effect on the progress of human rights even though this is not necessarily the case. Where there is a continual unfair distribution of income and wealth, and where it is only a privileged elite which benefits from the state's activities as in Haiti, for example then clearly human rights are detrimentally affected. The right to development must, therefore, if it is to have a positive impact on human rights, be linked as far as possible to all the peoples in the countries concerned and not, merely, to a privileged elite".

17. No hierarchy of human rights was established in the report presented to the Joint Committee, yet it was made clear that different social and economic contexts necessitate a different approach and a different strategy for the ultimate attainment of a greater degree of freedom.

18. The work of the ACP-EEC Working Group on Human Rights in no way prevents the Parliament from expressing its severe condemnation of individual human rights violations, as for example in the case of the following resolutions referred to the Committee on Development and Cooperation:

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<sup>3</sup>Ref. see p. 14 FLESCH report

Doc. 2-1292/84 : by Mr VERGEER and others on behalf of the EPP Group on the situation in Uganda (responsible: Political Affairs)

Doc. 2-1293/84 : by Mr BERSANI and others on the recent arrests in South Africa (responsible: Political Affairs)

Doc. 2-1307/84 : by Mr SCHWALBA-HOTH and others on the detention of Kamoji WACHIIRA (Kenya) (responsible: Political Affairs)

Doc. 2-1435/84 : by Mr GLINNE, Mrs VAN DEN HEUVEL and Mrs DURY on torture in Zaire (responsible: Political Affairs)

18. The dramatic plight of millions of refugees in Africa, to which the EEC and the international community in general has contributed much in order to alleviate and resolve the problem needs to be fully explored. The problem of refugees is a problem of human rights - particularly in the social or development sense. But, their status cannot easily be modified without massive national and international aid efforts, leading ultimately to voluntary repatriation; and this only when the underlying political and economic difficulties causing people to flee in large numbers in the first place, have been resolved satisfactorily.

#### Countries of the Near East, Middle East and North Africa

19. In the Maghreb, Mashreq and Israel; the various degrees of human rights violations stemming from religious sectarianism and cultural antagonism, or from more traditional political hostility can in time have a destabilizing effect on the region as a whole, particularly given the spread of Islamic fundamentalism. In this context, and given that existing cooperation agreements have no human rights reference contained in them, consideration should be given to approaching the subject in a similar way to that adopted for the discussion between the European Parliament and the ACP countries. The growing political and economic importance for the establishment of a global Mediterranean policy should not ignore the human rights aspect of the situation.

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- The political repression in Iran, and the mass executions directed against minority communities such as the Kurds and the Bahai has reached alarming proportions. Exacerbated by the war between Irak and Iran, internal repression is still on the increase. The lack of individual and collective freedom within Iran poses a serious menace to the stability of the region.

The activities of the Libyan Government, both domestically and internationally has led to the persistent violation of human rights, and due emphasis needs to be placed on this in the report

#### General Remarks

- 20. - The EEC and its Member States should actively promote the ratification of the Treaty on the abolition of slavery.
- Can the Political Affairs Committee not examine possibilities for a further harmonization of the laws governing political asylum in the Member States?

#### GENERAL CONCLUSION

21. The Development Committee wishes to reaffirm its position, as contained in the Opinion for the Political Affairs Committee, adopted in March 1980 (cited above) that:

- the Community should avoid, as far as is possible, all partnership with governments which have grossly violated human rights and that in such cases, humanitarian aid should be administered directly through non-governmental organizations of a non-partisan nature;

food and medical aid, in particular, should not be made conditional on the political situation in the recipient countries, and every effort must be made to ensure that such aid reaches the one section of the population to which it is intended.

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22. The primary objective of a constructive human rights policy must be to bring about a greater degree of freedom for the individual. Demagogic commitments on human rights issues should be avoided at all costs, and more must be done to attack the underlying roots of human rights violations, in particular as this effects the rights of nations and peoples to their social, cultural, religious, economic and political freedom.

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