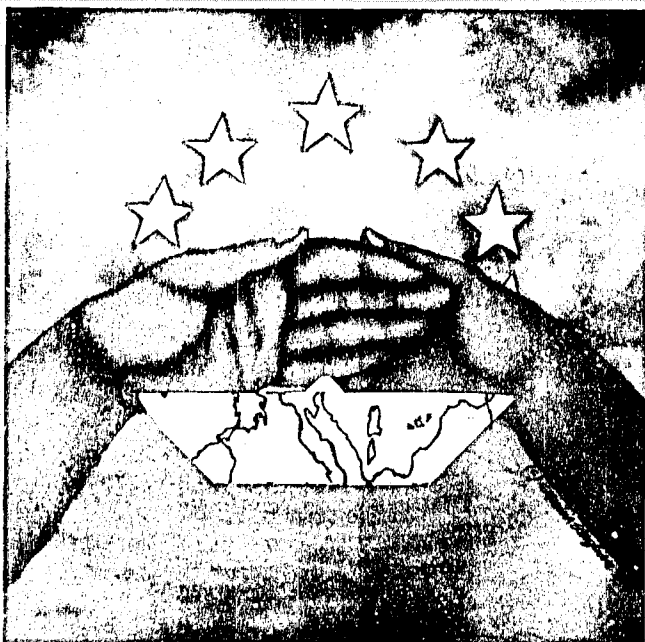


# EUROPEAN PARLIAMENT



## THE EUROPEAN PARLIAMENT AND HUMAN RIGHTS



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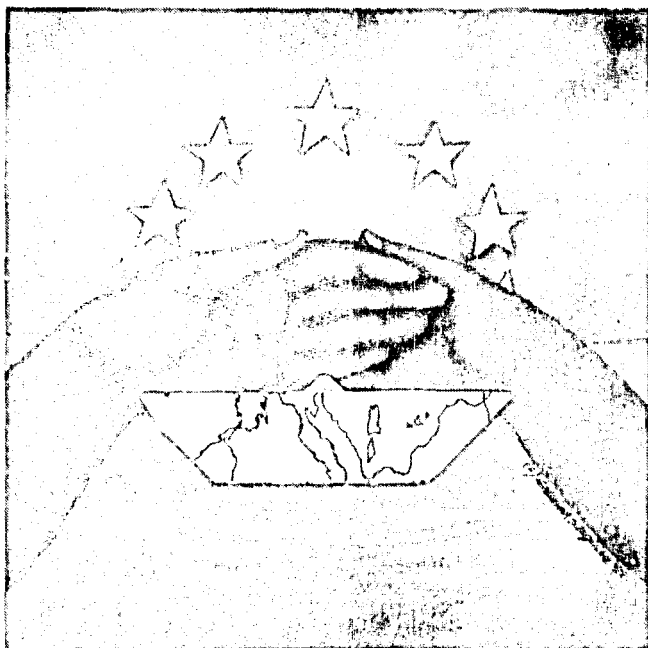
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# EUROPEAN PARLIAMENT



## THE EUROPEAN PARLIAMENT AND HUMAN RIGHTS



DIRECTORATE GENERAL FOR RESEARCH  
AND THE HUMAN RIGHTS UNIT

This publication has been elaborated by the Directorate General for Research in collaboration with the Human Rights Unit at the request of the Bureau of the European Parliament.

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## FOREWORD

*'The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.'*

### *Article F of the Treaty on European Union*

One of the aims of Community Europe, in its desire to be close to its citizens, is to uphold their fundamental freedoms. History has shown that the utmost vigilance is required wherever freedom and rights are at stake.

In 1939 the essayist Jean Guéhenno wrote: *'The decision to build society on the basis of reason and justice is the beginning of a never-ending process: it will never be completed because neither reason nor justice can ever be satisfied'*.

Vigilance and perseverance in action are particularly characteristic of the European Parliament's approach to respect for human rights. Convinced that *'freedom is not a fixed routine which is ruled by ancient prescriptions and can be rehearsed, but must be continually improvised'* (Jean Guéhenano) the Assembly representing the Union of European nations monitors and supervises respect for human rights and fundamental freedoms.

The crisis affecting political representation, the questioning of the efficiency, usefulness and legitimacy of democratic mechanisms in Western societies, the collapse of authoritarian and totalitarian regimes — without war but not without conflict — in Eastern Europe, Africa and Latin America and, lastly, the spread of poverty which has now prompted the organization of an annual day of protest, are all part of the backdrop to the entry into force of the Treaty on European Union.

This brochure is designed to outline the European Parliament's action in support of freedom and human rights in the world at large and in the Community in particular.

The purpose of this exercise is not to indulge in self-congratulation but to highlight the endeavours of the only parliament made up of elected representatives of various nations.

The European Parliament, which has daily experience of tolerance and the rewards of cultural and historical diversity, could not exist without its links with democratic aspirations and the individuals it represents.

This modest publication will have been a worthwhile exercise if it serves to give Parliament's action in this field a higher public profile.

*The President of the European Parliament  
Dr Egon KLEPSCH*

## EUROPEAN PARLIAMENT ACTION

By its very nature the European Parliament has a special interest in respect for human rights and the protection of individual freedoms. As a body representing people who enjoy unparalleled protection in this field, it was only natural that its action should be aimed, first and foremost, at furthering democracy and individual or collective freedoms, in the broadest sense of these terms.

While the founding treaties — the Treaty of Paris (1951) and the Treaty of Rome (1957) — did not refer explicitly to human rights, the Single European Act (1986) and the Treaty on European Union (1992) have officially set the protection of democracy and fundamental freedoms as a basic aim of Community integration. The preamble to the Treaty on European Union — backed up in this respect by Articles F2, 130u(2) and J1 — establishes the responsibility of Community institutions with regard to the defence and promotion of human rights. Even before this, action by the Community and Parliament in this field had been justified by certain declarations adopted at the highest level (e.g. the Joint Declaration on Fundamental Rights adopted by the European Parliament, the Council and the Commission on 5 April 1977).

As the only Community body elected by direct universal suffrage, the European Parliament embodies the link between the fledgling European democratic structure and human rights, which have been and are protected in the Member States on the basis of their extensive practical and legal experience. It is therefore hardly surprising that the European Parliament should have devised an original and ambitious plan to further democracy and human rights in the world at large, and in the Member States and Community in particular.

Thus, the promotion and defence of human rights was a prominent feature of the European Parliament's activities in the 1980s. Parliament does not play an isolated role in Europe; other bodies, in particular the Council of Europe, also campaign in favour of respect for human rights. The European Convention for the Protection of Human Rights and Fundamental Freedoms, adopted by the Council of Europe in 1950, is in fact a valuable, and indeed unique, source of inspiration and reference point. While the European Parliament very often acts in cooperation with the other Community institutions, i.e. the Council and Commission, it is the driving force and its positions frequently determine policy in this field.

Basically, its action is *threefold*:

**\*\* Deliberation:** the European Parliament adopts texts, some more specific than others, on respect for human rights in the world and in the Community. The annual resolutions on this subject illustrate the extent of Parliament's concern and its commitment to ensuring respect for human rights. It adopts other no less important resolutions on more specific issues. It has also joined with the other institutions in

affirming general principles, e.g. in the Declaration Against Racism and Xenophobia (1986).

**\*\* Monitoring:** the European Parliament exercises vigilance by adopting at each part-session (i.e. roughly once a month) resolutions on what its Rules of Procedure<sup>1</sup> describe as 'topical and urgent subjects of major importance'. Their aim is to ensure respect for individual and collective human rights by firmly condemning violations thereof in specific cases. The nature and implications of Parliament's debates and statements, which are sometimes very strongly worded, contribute towards the practical and effective protection of individual and collective freedoms. The reactions of the states referred to in these resolutions frequently confirm the critical nature of the situations described and Parliament's intervention is often proved to have been justified. The parliamentary questions procedure is also proving to be an effective means of drawing attention to such issues.

**\*\* Supervision:** the European Parliament is asked for its opinion on agreements between the Community and third countries and may, where necessary, use a genuine right of veto. It has paid special attention to the implementation of the policy of 'positive measures and conditionality' devised in 1991 with regard to development aid and democratization. Parliament discusses and closely monitors the financial outlays which the implementation of this policy involves and thereby exercises its legitimate powers of budgetary control.

Parliament has also advocated the inclusion of genuine safeguard clauses on respect for human rights in all foreign policy agreements. These clauses first appeared in embryonic form a few years ago but have now gained substance and in some cases provide for outright suspension. However, Parliament has always insisted that humanitarian aid should be maintained provided it actually reaches the countries and people for which it is intended.

Clearly, the European Parliament's special relationship with many countries or groups of countries, e.g. the so-called ACP countries (African, Caribbean and Pacific States linked to the Community by the Lomé IV agreements)<sup>2</sup> and the countries of Central or South America has not been without relevance to its demands. The most recent of these demands, which were formulated after the upheavals in Central and Eastern Europe, have been formally taken into account in the definition of the Community's relations with the countries concerned.

These three examples do not give an exhaustive account of the different forms of action<sup>3</sup>. However, they provide an overview of the activities of the European Parliament which, in expressing its concern uses a variety of procedures reflecting the many-sidedness and complexity of this subject and the common desire of Members to make it an integral part of parliamentary business.

We therefore propose, after considering the justification for the European Parliament's involvement in such matters and before looking more closely at the

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1. Rule 47 and Annex III of the European Parliament's Rules of Procedure

2. See in this respect the resolution adopted by the ACP-EC Joint Assembly on 30 March 1993 on democracy, human rights and development in the ACP countries (OJ No. C 234, 30.8.1993)

3. See in this respect the annex entitled 'Statistics and list of documents adopted by the European Parliament'

substance of its action, to give a brief outline of the bodies which deal more specifically with respect for human rights.

The way in which parliamentary business is broken down and organized to enable the European Parliament to express itself shows the degree of importance given to this subject. Certain committees focus specifically on respect for human rights while others frequently deal with related issues in their parliamentary work. Finally, there are a number of particularly symbolic forms of action through which Parliament can manifest its concern and express its views.

- The work dealing specifically with respect for human rights is carried out primarily by the *Subcommittee on Human Rights*, which is responsible for examining human rights issues in non-Community countries. Since it was set up in 1984, it has drawn up the six reports on human rights in the world and Community human rights policy. For its part, the *Committee on Civil Liberties and Internal Affairs* now draws up an annual report on human rights in the Community and deals with matters relating to freedoms in the Member States. The *Committee on Petitions* is responsible for examining petitions submitted by Community citizens and residents and may now examine petitions from citizens of third countries. Lastly, it should be pointed out that a Human Rights Unit has been set up in the European Parliament's Secretariat to provide the parliamentary committees with a back-up for their work in this area.
- Other European Parliament committees obviously have to deal with this subject. The Committee on Foreign Affairs and Security, which the Subcommittee on Human Rights comes under, the Committee on Development and Cooperation and the Committee on External Economic Relations are, in various ways and within the limits of their duties and responsibilities, asked for their opinions on issues concerning relations between the Community and third countries. In this connection, Parliament has a vital role to play in the 'assent' procedures, under which it has been able to oppose the conclusion of agreements between the Community and third countries on grounds of non-compliance or insufficient compliance with human rights standards. The Committee on Legal Affairs and Citizens' Rights, the Committee on Institutional Affairs, the Committee on Women's Rights and, last but not least, the Committee on Social Affairs, Employment and the Working Environment also help to formulate Parliament's opinions on respect for basic freedoms insofar as their terms of reference permit.

Moreover, the committees organize public hearings to which a large number of experts, specialists and prominent speakers are invited.

- Each year the European Parliament awards the Prize for Freedom of Thought ('Sakharov Prize') in respect of achievements in the following areas:
  - the development of East-West relations in compliance with the Helsinki Final Act and, in particular, the third section on cooperation in the humanitarian field;
  - protection of freedom of scientific investigation;



- defence of human rights and respect for international law;
- strict compliance by governments with their constitutions.

At the outset, the award of this prize was aimed mainly at upholding the principles of the Helsinki Final Act. It is now an important means of asserting the European Parliament's commitment to the defence of human rights throughout the world. The prize has so far been awarded to:

|      |                                                     |
|------|-----------------------------------------------------|
| 1988 | Nelson Mandela and Anatoli Marchenko (posthumously) |
| 1989 | Alexander Dubcek                                    |
| 1990 | Aung San Suu Kyi                                    |
| 1991 | Adem Demaçi                                         |
| 1992 | Mothers of the Plaza de Mayo                        |
| 1993 | Oslobodjenje, the Sarajevo daily newspaper          |

**Thus, through its various permanent bodies, political groups and interparliamentary delegations, as well as its President and its Members, the European Parliament has many opportunities to influence and exert pressure on third countries or engage in extensive dialogue with them on the subject of human rights.**

As has been stated in Strasbourg on different occasions by former political prisoners such as Vladimir Bukovsky, Yuri Orlov, and more recently Abraham Serfati, the efforts of the European Parliament contribute to international pressure, which may ultimately lead to the release of political prisoners, although there is never any guarantee of this. Several cases have illustrated the effectiveness of Parliament's action in this field.

Following this brief outline, let us now look at the European Parliament's three main forms of action in the field of human rights. Over a parliamentary term all these texts, some of which are more important than others, help to build up a body of reference material illustrating the European Parliament's approach to human rights.

## THE EUROPEAN PARLIAMENT AS A DELIBERATIVE BODY

Members of the European Parliament give their views on respect for human rights virtually on an annual basis. Since 1984 the Committee on Foreign Affairs and Security and the Subcommittee on Human Rights have worked to ensure that a resolution on human rights in the world is adopted on a regular basis; the Committee on Civil Liberties and Internal Affairs, set up more recently (1992), draws up a report on developments in the Community. The most recent examples of the two corresponding resolutions are attached.

Through these texts, which are the expression of its formal commitment, the European Parliament condemns or takes note of situations, conveys messages of encouragement and puts forward proposals, thereby guiding the Community towards the adoption of policies promoting respect for human rights and fundamental freedoms. It is genuinely satisfied when its demands produce practical results and are taken into account by the Council, the Commission and European Political Cooperation. Its position is based principally on two ideas:

- \* human rights are the key element in the Community's relations with third countries, whatever the countries or type of relations involved;
- \* fundamental freedoms are a major aspect of intra-Community affairs.

The European Parliament does not make a hierarchical distinction between these objectives. The Community must set an example if it wishes to speak out clearly and establish its credibility. The two reports are therefore complementary. In both reports, the individual is seen as the main concern of Parliament, whose job it is to affirm the universal, imprescriptible and indivisible nature of human rights. The European Parliament's approach may in fact be described as follows:

- \* a broad definition of human rights
- \* a close connection with the democratic system
- \* views shared with other international organizations
- \* practical and specific demands

### A broad definition of human rights

The European Parliament has consistently stressed the universal nature and political, social, economic and cultural dimensions of human rights. It therefore firmly condemns the use of torture and is logically concerned at the spread of poverty. It is equally outspoken about ethnic cleansing. Measures to combat racism and xenophobia are one of its priorities. On the important issue of refugees and displaced persons, Parliament has called for more effective action to combat such forms of exclusion. Finally, Parliament also wishes to draw attention to the situation of the most disadvantaged (indigenous peoples) and most exposed (women and children) members of society.

### **A close connection between human rights and the democratic system**

The European Parliament has repeatedly stressed that democratization and promotion of human rights go hand-in-hand. It is therefore concerned at the precarious nature of current developments and the threats posed by the economic crisis to the consolidation of regimes moving towards democracy and to the protection of human rights. Parliament supports the ambitious development aid programmes as a means of creating the conditions which will allow the emergence of a society respectful of human rights.

Within the Community, demands for greater transparency and for a Community approach rather than an intergovernmental approach<sup>1</sup> are in line with Parliament's call for a strengthening of European democracy through added powers for the citizens' representatives and closer monitoring of human rights violations.

### **Views shared with others**

Although the European Parliament is unquestionably the only organization in the world in which elected representatives from different countries can express their views and exercise vigilance in this area, it does not, however, play an isolated role on the international scene or within the Community. For instance, before the Vienna World Conference on Human Rights, held under the aegis of the United Nations, Members called for the setting up of an international court and the creation of a post of UN High Commissioner on Human Rights. They also encouraged the setting up of regional systems to protect and monitor respect for human rights.

Within the Community, the European Parliament expresses the concerns of the citizens it represents, e.g. by reiterating its condemnation of the death penalty, its belief that the right to conscientious objection should be considered a basic right, its determination to see organized crime combated effectively, its fears as regards restrictions on asylum, its unflinching support for a fair and equitable judicial system and its concern about prisoners' conditions of detention.

By asserting these principles, set out in greater detail in a wide range of reports, MEPs wish to take advantage of Parliament's growing influence and the extension of Community powers in order to guide the Commission, the Council and European Political Cooperation in their respective roles.

### **Practical and specific demands**

In the field of foreign affairs, the European Parliament's concerns cover two main areas, namely, budgetary and political aspects. Parliament has for long campaigned for adequate funds to be entered in the Community budget to finance projects as varied as rehabilitation centres for torture victims worldwide, programmes for street children in Brazil or in Central America, or the establishment of the migrants' forum in Europe. One of its most recent initiatives was to finance

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1. especially as regards the 'third pillar' of the Treaty on European Union: 'Provisions on Cooperation in the Fields of Justice and Internal Affairs' (Title VI)

the consolidation of civil society in Central and Eastern Europe ('European Initiative for Democracy'). The Community has thus become Europe's leading financial contributor to the cause of human rights in the traditional sense of the term, not to mention humanitarian aid, which is another very important aspect of its policy.

Parliament is also determined that it should have more effective monitoring powers and its opinions should be taken into account following the entry into force of the Treaty on European Union and especially the section on the definition and implementation of a Common Foreign and Security Policy (CFSP), including a specific reference to respect for human rights.

At Community level, one of its central concerns is the establishment of a legal system, of which the protection of fundamental rights will be an integral part. Parliament has a leading role in this field as a result of the positions it has adopted (Declaration of fundamental rights and freedoms — 12 April 1989) and its current work (drafting of a European constitution including provisions on citizens' rights and duties). Its influence as to the substance of Community citizenship (appointment of the Ombudsman; establishment of the right of petition; reaffirmation of freedom of movement, non-discrimination and political rights) and its long-standing call, now taken into consideration, for Community accession to the European Convention on the Protection of Human Rights and Fundamental Freedoms, are illustrations of Parliament's undeniable commitment based on its representative role.

## THE EUROPEAN PARLIAMENT AND MONITORING OF HUMAN RIGHTS IN THE WORLD

As already mentioned, the European Parliament has an opportunity at each part-session to air its views on specific cases posing an urgent and crucial problem in the field of human rights.

Through an uncomplicated and swift procedure, an average of five motions for resolutions are adopted and forwarded to the Council, the Commission, the Member States and representatives of the states concerned.

During the 1989-1993 parliamentary term, more than 300 (generally brief and specific) resolutions were adopted, whose geographical breakdown is shown in the Annex. One particularly significant example of the substance of these resolutions, which have a considerable impact, is Parliament's condemnation of the death penalty.

Through its Committee on Petitions, the European Parliament can exercise vigilance and genuine political control with respect to citizens' rights, as upheld by the Treaties and the European Court of Justice. The Committee on Petitions deals with cases which it considers admissible or forwards them to another committee deemed to be in a better position to tackle the problem or bring pressure to bear on the institutions concerned; each year it examines over 1,000 cases, on the basis of which it draws conclusions and plans future work in an annual report leading to the adoption of a resolution by Parliament, which thereby has a source of direct information and considerable political leverage.

The entry into force of the Treaty on European Union will give Parliament added opportunity to exercise vigilance through Articles 138d and 138e on petitions and the Ombudsman and Article 130u and J1 on development aid and the Union's ultimate objectives.

## THE EUROPEAN PARLIAMENT AND SUPERVISION OF THE COMMUNITY'S COMMITMENT TO HUMAN RIGHTS

Parliament monitors the implementation of Community human rights policy very closely. The link between development aid, democratization and human rights was affirmed by Parliament in its resolution of 22 November 1991.

On 28 November 1991 the Council adopted a Declaration, which amounted to a basic statement of policy on the subject. The reports which the Commission now submits on the practical implementation of this principle regularly prompt reactions from Parliament and the publication of 'memorandums' (long called for and finally obtained by Parliament) by the Presidency-in-Office of the Council on the human rights policies of the Community and its Member States.

In more general terms, the insertion of human rights clauses in all external policy agreements signed by the Community is one of Parliament's major demands.

The formulation of a common foreign and security policy implies that the institutional mechanisms set up by European Political Cooperation should make provision for closer involvement of the European Parliament in defining criteria and positions to be adopted. These may occasionally take the form of sanctions, such as those requested by Parliament in 1989 against Romania (Parliament requested the Council and Commission to suspend negotiations following the holding of a public hearing and the adoption of a resolution in plenary). Parliament naturally welcomes the fact that, in accordance with its requests, a working party on human rights was set up by European Political Cooperation a few years ago and that the coordination of human rights policy at the Commission is (as also requested over the years) the responsibility of the Commissioner for External Political Relations and the Common Foreign and Security Policy. Improved transparency, coherence and coordination between the Council and Commission remains a major concern of the European Parliament.

The European Parliament's aim is in fact that the drawing up and monitoring of agreements should be improved by reinforcing the bodies responsible within European Political Cooperation for setting up a foreign policy based on respect for human rights. If such a policy is to be taken seriously, it must be based on an extremely regular assessment of the situation and a capacity to react rapidly. Parliament will closely monitor both these aspects.

The result of Parliament's unceasing pressure can be seen in the agreements signed with third countries, which include one or more of the following:

- a reference in the preamble of the agreements to the principles of the United Nations Charter (which include respect for human rights and fundamental freedoms for all, without distinction of race, sex or religion — Article 1(3));
- a reference in the preamble to the CSCE Final Act and to the Madrid and the Vienna final documents;

- a reference in the preamble to the Helsinki Final Act, the Vienna and Madrid final documents, the Paris Charter for a New Europe and the commitment to strengthening political and economic freedoms;
- a reference in the preamble and body of the agreements to relations based on respect for democratic principles and human rights;
- a reference in the preamble and body of the agreements to relations based on democratic principles and human rights, constituting an essential element of the agreements;
- a suspensive clause applying in the event of serious violations of the main provisions of the agreement.

Parliament, which has fruitful relations with many non-governmental organizations working in the field of human rights, is more than ever determined, through its parliamentary committees, interparliamentary delegations and conferences and joint parliamentary committees, to increase its influence over the establishment and operation of this fundamental aspect of the common foreign policy on the one hand, and the building of a democratic European Union on the other.

The European Parliament is certainly not isolated within the international community in the field of human rights. Its efforts should be seen in a historical context, and the Treaty on European Union as a new framework. Parliament will continue to build on past achievements to develop and strengthen democracy and the rule of law and promote respect for human rights and fundamental freedoms.

## RESOLUTION ON HUMAN RIGHTS IN THE WORLD AND COMMUNITY HUMAN RIGHTS POLICY FOR THE YEARS 1991-1992

(adopted by the European Parliament on 12 March 1993 and published  
in OJ No. C 115, 26.4.1993)

### European Parliament resolution on human rights in the world and Community human rights policy for the years 1991-1992

#### *The European Parliament,*

- having regard to its previous resolutions on human rights in the world and Community policy on human rights, covering the years 1982-1990<sup>1</sup>,
  - having regard to its resolution of 12 March 1992 on the death penalty<sup>2</sup>,
  - having regard to its resolution of 15 January 1992 on the financial protocols with Morocco and Syria<sup>3</sup>,
  - having regard to its resolution of 14 May 1992 on the European Democracy Initiative<sup>4</sup>,
  - having regard to its resolution of 22 November 1991 on human rights, democracy and development<sup>5</sup>,
  - having regard to the report of the Committee on Foreign Affairs and Security and to the opinions of the Committee on Development and Cooperation and the Committee on Culture, Youth, Education and the Media (A3-0056/93),
- A. whereas the first directly-elected European Parliament undertook to draw up an annual report on human rights in the world and Community human rights policy,

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1. OJ No. C 161, 20.6.83, p. 58; OJ No. C 172, 2.7.84, p. 36; OJ No. C 343, 31.12.85, p. 29; OJ No. C 99 13.4.87, p. 157; OJ No. C 47, 27.2.89, p. 61, OJ No. C 267, 14.10.91, p. 165.  
2. OJ No. C 94, 13.4.92, p. 277  
3. OJ No. C 39, 17.2.92, p. 50  
4. OJ No. C 150, 15.6.92, p. 281  
5. OJ No. C 326, 16.12.91, p. 259



- B. 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 Community,
- C. whereas the Community reaffirmed this commitment in the Declaration on European Identity by the Heads of Government of the Community of December 1973, the joint inter-institutional Declaration of 5 April 1977, the Declaration on Democracy by the European Council of April 1978, the Declaration on Human Rights adopted by the Foreign Ministers of the Twelve on 21 July 1986, and the preamble of the Single European Act,
- D. whereas, in the period under review, there were significant further commitments by the Community with respect to the promotion and protection of human rights, notably:
- the declaration adopted by the Luxembourg European Council on 29 June 1991 setting out the basic principles of a future Community human rights policy,
  - the resolution adopted by the Development Council on 28 November 1991 on human rights, democracy and development cooperation policy,
  - the declaration by the Maastricht European Council on 10 December 1991 on racism and xenophobia,
  - the statements by the Maastricht European Council on 10 December 1991 and the Edinburgh European Council on 11 December 1992 on activity in the field of human rights in 1991 and 1992,
  - the provisions of the Maastricht Treaty, which state in Article F(2) that the Union 'shall respect fundamental rights, as guaranteed by the European Convention', and in Article J.1 that the consolidation of democracy, human rights and fundamental freedoms and the rule of law are among the objectives of a common foreign policy,
- E. whereas stronger support must be given to the idea that respect for human rights must constitute an essential part of Community foreign policy and an increasingly important aspect of internal Community affairs; whereas greater account should be taken of this idea in Parliament's stance on agreements with third countries and in international cooperation,
- F. whereas Parliament has for many years been calling for clear Community policy guidelines to be laid down in the sphere of human rights,
- G. whereas human rights also has been addressed as a major issue by other international bodies in the period under review such as the Commonwealth Heads of Government Meeting, the Organisation of American States General Assembly, the Organisation of African Unity, The Conference on Security and Cooperation in Europe (CSCE), and the Francophone summit, as well as at the United Nations with its renewed emphasis on the humanitarian domain, (cf the UNDP's new 'Human Freedom Index'),
- H. whereas an important precedent was set in 1991 by UN Security Council Resolution 688 which provided for 'safe havens' for the Kurds in Northern Iraq, even though it must be acknowledged that the Kurds' problems are far

from being resolved; whereas this more than any other act by the United Nations or the world community in recent years indicated an international recognition that the United Nations and the international community have the right, if necessary by intervention, actively to uphold human rights outside their own borders,

- I. whereas the Community has always clearly held that expressions of concern about human rights violations in third countries cannot be considered unjustified interference in the domestic affairs of a third country, and that the Member States of the Community, both individually and collectively, have an obligation to seek the enforcement of international human rights law,
- J. whereas, however, the Community's negotiating powers cannot be fully brought to bear until it eliminates internal violations of human rights which still occur at times in some Member States,
- K. whereas even in the face of blatant human rights abuses there are still many countries that evoke the principle of non-interference in their domestic affairs, which is not compatible with the principle of universality and indivisibility of human rights, even though it must be acknowledged that in many countries it is now easier to obtain information on human rights abuses than in the past,
- L. whereas the spread of information technology has meant that there remain only a handful of countries which could be described as 'closed' societies, almost impervious to outside influence, and from which information is hard to obtain,
- M. whereas Community action to further human rights in third countries is inspired by the Community's own legal system, based on the Treaties, the case law of the Court of Justice, Community legislation, with reference to the provisions of the European Convention on Human Rights and Fundamental Freedoms, and Member States' constitutions and laws, and furthermore, by human rights references/clauses in cooperation and association agreements with third countries, together with the Universal Declaration and the UN Covenants, which have been ratified by most of the Community Member States,
- N. whereas in Parliament's annual reports particular emphasis is given to three fundamental rights of the individual — 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,
- O. whereas there are also violations of human rights within the European Community, which was recognised by Parliament by the creation in 1992 of a Committee on Civil Liberties and Internal Affairs to examine in particular such issues as asylum, immigration policy and racism and to draw up an Annual Report on respect for human rights within the Community,
- P. whereas intolerance, as manifested in racism and xenophobia, can easily lead to human rights violations of the grossest kind, and ethnic tensions can easily degenerate and trigger off a conflict that may even spread abroad,

- Q. whereas the conditions of extreme poverty and destitution in which a growing number of human beings live create an environment where human rights are more easily abused and notes that the United Nations Commission on Human Rights has appointed a Special Rapporteur on human rights and extreme poverty, and that on 22 December 1992 the UN General Assembly decided to proclaim 17 October the International Day for the elimination of poverty,
- R. whereas human rights issues are of greater public and political concern than ever before in the Member States and Community citizens rightly demand full respect for human rights by the Member States and want respect for human rights by third countries to be a fundamental aspect of Community relations with such countries,
- S. whereas human rights flourish best in a situation of democratic stability and it is the duty of Community bodies, and in particular Parliament, to encourage the evolution of constitutional freedom, democracy and political pluralism which have spread so significantly in recent times,
1. Considers that the period under review (1991-2), while being characterised by major political change and rapid movement of world events leading to the emergence of more governments committed to democracy, some of which have been very promising for the development of human rights, has also produced horrific excesses and abuses of human rights including, on the European continent, the dreadful example of former Yugoslavia;
  2. Believes that newly-emerging political systems seeking international recognition must be founded on principles of democracy, respect for international law and respect for human rights and stresses that the fight to establish democracy is invariably linked with the struggle to achieve basic human rights;
  3. Considers that in respecting human rights, attention must be paid to the three groups of human rights: individual political rights, civil rights and economic, social and cultural human rights;
  4. Recalls the instances of human rights abuses which have been condemned in resolutions adopted by the European Parliament during this period; recalls that documents and reports of the United Nations and by intergovernmental and non-governmental bodies, of different political orientation, concur in stating that among the most persistent forms of human rights abuses, occurring in up to half of the countries in the world are:
    - the alarming number of unresolved politically motivated disappearances, many by paramilitary groups,
    - the continued increase of summary and arbitrary executions,
    - arbitrary detention and unfair trial,
    - the persistence of torture including deaths in custody, with information about cases of torture from 56 countries being submitted by the UN Special Rapporteur on Torture, and some non-governmental organisations

- saying that torture and ill-treatment occurs in an even larger number of countries,
- the retention of the death penalty in the laws of 132 states of the international community and its continued application in 96 of them,
  - grave breaches of the principle of equality that may even lead to repression of specific groups in society on the basis of their ethnic origin, gender or religion;
5. Is particularly perturbed that torture should remain such a persistent phenomenon, despite the coming into force of the European and UN Conventions on the Prevention of Torture, and believes that its eradication should be a major priority for the Community and Parliament during 1993;
  6. Notes that the reporting of cases of torture has improved in those countries which have been moving to a more open and democratic style of government, and that this advance reveals the necessity for increased allocations for rehabilitation work;
  7. Believes that the problem of impunity, highlighted by international bodies and human rights NGOs in 1991-2, occurs in many countries including those that now have democratically elected governments, can take the form of amnesty, immunity, extraordinary jurisdiction and constrains democracy by effectively condoning human rights infringements and distressing victims;
  8. Affirms that there should be no question of impunity for those responsible for war crimes in the former Yugoslavia; welcomes the United Nations resolution setting up an international tribunal to try crimes committed on the territory of the former Yugoslavia and hopes that the members of the tribunal will be appointed as soon as possible so that it may take office immediately;
  9. Believes that such a tribunal, the seat of which could be established in a city in the European Community, should also consider acts of violence against women committed in former Yugoslavia and require those who committed them to provide economic assistance for the children born as a result of rape and pay compensation to the women victims of such crimes;
  10. Notes that in addition to 18-20 million refugees in the world, there have never been more displaced persons in the world than there are today — about 25 million — and that neither international nor inter-governmental organisations have an adequate mandate under international humanitarian law to assist and to protect them, and that inadequate cooperation and coordination exist in this field;
  11. Is concerned, however, about the increasingly restrictive measures which some Community Member States are applying to obstruct access to their territories for all those displaced persons who call for and are in need of protection;
  12. Deplores the fact that an increasing number of victims of human rights abuse and death threats are human rights activists, journalists and lawyers, a growing number of them women, including relatives of human rights victims or individuals providing information to outside bodies, such as the UN;

13. Notes with profound concern that certain human rights violations of enormous gravity such as hostage-taking, ethnic cleansing and deportations and other forms of ethnic persecution are used as a political instrument;
14. Is horrified that during military conflicts *deliberate use is made of the gravest human rights abuses, such as those inflicted by Serbia on the civilian population of former Yugoslavia, in order to conduct ethnic and racist expulsion campaigns, not shrinking from torture, murder and rape in 'concentration camps', which in actual fact are death and rape camps;*
15. Considers that women, especially in trouble spots, are particularly exposed to human rights violations in that their physical integrity is liable to be an additional target, and stresses the provisions of the relevant Geneva Conventions in this respect;
16. Notes that this applies no less to indigenous peoples whose plight has been highlighted by the designation of 1993 as the International Year for Indigenous Peoples and the award of the Nobel Peace Prize to Mrs Rigoberta Menchu;
17. Considers that the trend towards greater consideration of human rights, even by countries that have always denied them, arising from improved opportunities of finding out about human rights breaches, is encouraging but must become more widespread before being considered satisfactory;
18. Firmly believes that the Community is insufficiently prepared for the new human rights challenges both with respect to its external relations and concerning the consistent respect of these rights within its internal legal order, and proposes the creation of a Community human rights task force consisting of representatives of the Community institutions possibly collaborating with NGO representatives, to monitor human rights compliance within the Community and by the Community institutions as well as in the rest of the world, to coordinate the efforts taken by the various Community institutions and to enhance the consistency of the Community's human rights policy;

#### DEMOCRATISATION

19. Believes that the progress towards democratisation, *inextricably linked to the events in Eastern Europe in 1989, together with changes in Central and South America and in Africa, reflects peoples' increasing awareness and maturity about their claim for human rights, and notes that some of the prisoners released in this period have gone on to take high office in government;*
20. Regrets, however, that the democratic 'gains' made have been accompanied in much of the world by a turning inwards, the resurgence of aggressive self-interest, sometimes compulsive nationalism, community fanaticism and religious fundamentalism in what can be seen as a crisis of collective identities, and that ideological conflicts are being superseded by ethnic and religious conflicts;

21. Notes further that many countries, while breaking with the old authoritarian structures, have adopted democratic constitutions which remain very much at risk, and that some governments find it hard to reconcile some of the obligations emanating from the relevant provisions of international law with their domestic laws and cultural or religious convictions, and notes furthermore that in many countries that have broken with totalitarian regimes there are still elements in the military that continue to wield anti-democratic and highly centralized powers, so that the effective functioning of government is seriously hampered as a result of direct or indirect control by the army and security forces;
22. Acknowledges that there are many different roads towards democracy and many different forms of government which can assure the rule of law;
23. Deplores the fact that serious human rights abuses are still being committed under elected governments that have expressly pledged to respect human rights and have the necessary institutions to do so;
24. Notes with great concern the threat posed to young democracies by the current economic recession which seems to be fuelling anti-democratic elements in those societies;

#### COMMUNITY POLICY

##### *'Positive Measures and Conditionality'*

25. Believes that the Community can be a very positive force in promoting democracy and human rights, where it has clear international obligations, and notes that it is in the process of significantly adapting and reshaping its external policies to reinforce its effectiveness in the sphere of human rights, both in the development and other sectors, even though this process must be strengthened and rendered effective in a more binding and rapid manner;
26. Recalls that the stated objective of those policies is to provide active support, for example, for:
  - efforts by countries to establish democratic structures and improve their human rights performance;
  - the holding of elections, the setting up of new democratic institutions and the strengthening of the rule of law;
  - the strengthening of the judiciary, the administration of justice, crime prevention and punishment of offences;
  - promoting the role of non-governmental organisations and other institutions which are necessary for a pluralist society;
  - the adoption of a decentralised approach to cooperation;
  - ensuring equal opportunities for all;
27. Believes that the training of police, prison staff and security forces in the respect for human rights can also be a valuable form of aid;

28. Emphasizes that the Community's actions to promote democracy and human rights in third countries would have a major impact if a high degree of democracy were guaranteed within the Community itself;
29. Points out that although such policies are a new and accepted element in international affairs, their application is very much in an initial phase;
30. Considers that such a policy must be implemented coherently and in a coordinated fashion, and that the Commission and Parliament should be more closely associated than hitherto in implementing this policy;
31. Believes furthermore that policy must be seen to be non-selective and that the establishment of criteria, and of procedures and measures to effectively implement policy, should be based on a sound and objective assessment of developments in the human rights situations in particular countries or regions;
32. Believes furthermore that the annual report which the Commission is committed to providing on the implementation of the abovementioned Council resolution of 28 November 1991 should evaluate how fully this policy has been implemented on a country-by-country basis, not just with developing countries but with all major trading partners;
33. Believes that this document also should be transmitted to Parliament, where it should be the subject of a plenary debate, and regrets that the Council has already discussed the 1992 report without a plenary debate being held on the matter in Parliament;
34. Believes that a much strengthened monitoring mechanism is required for implementation and interinstitutional cooperation;
35. Believes that as well as interinstitutional cooperation there should be an annual meeting by representatives of the Commission and Member States to consider policies and actions to further enhance respect for human rights and development of democracy (apart from other regular meetings on country situations);
36. Reiterates its call on the newly-appointed Commission to allocate to one its Members primary responsibility for human rights to ensure coherence, consistency and transparency in the application of policies concerning human rights and democratisation, both within and outside the Community;
37. Believes that this office should also ensure cooperation between the various Community institutions as well as the ECP/CFSP mechanisms and with international non-governmental organisations working in the field of human rights;
38. Believes that although the Community's new policies often may not achieve rapid results, patience and persistence is needed, in the awareness that regression may take place;

39. Notes that this policy of human rights promotion is not unique to the Community but is mirrored in the evolution of policies at a national level and in other international fora;
40. Calls on the Community to stimulate the policy of integrating human rights into the programmes of international financial institutions, aid consortia, and UN agencies and affiliated bodies, and to ensure that these institutions implement internationally recognised human rights instruments in their policies and practices in a coordinated and coherent fashion;

*External agreements*

41. Believes that another central element in the Community's external policy is the incorporation of standardised human rights clauses in all future aid and trade agreements, not just in the preambles, but in the Articles to provide a firm and binding legal base for mutual action;
42. Calls for human rights always to be an explicit part of the mandate given by the Council to the Commission for negotiations with third countries;
43. Proposes that all agreements with third countries should contain an appropriate mechanism with regard to human rights which becomes operational the moment that obvious breaches of human rights are ascertained;
44. Considers that where it is not possible to obtain agreement with a third country, the Community could state in a unilateral declaration the fundamental importance it attaches to human rights and the promotion of democratic values;
45. Calls for meetings of Association or Cooperation Councils established under Association or Cooperation Agreements always to include a human rights point on the agenda, with the participation of a human rights spokesman from Parliament, possibly with discussions in public, and for those Agreements to have written into them a provision that they may become suspended in the event of gross human rights abuses by any of the contracting parties;
46. Calls further in this connection for the procedural rules for Cooperation Councils to be modified, in accordance with its above-mentioned resolution of 15 January 1992;
47. Recalls in this connection that in the debate on the protocols with certain Maghreb and Mashreq countries and Israel in January 1992 the Committees recommended the plenary to ask for a clear commitment from the Council and Commission to press for a regular investigation of the human rights situation during meetings of the Cooperation Council with partner countries, set up under the Protocol Agreements, with the possibility of suspension of the Protocols when appropriate;
48. Recalls that the resolution adopted expresses concern at the continuing violations of human rights in Syria, Israel, Algeria and Morocco and



emphasises that cooperation with these countries should be reviewed and suspended if fundamental human rights are not better respected, or if these countries are not willing to discuss problems concerned with human rights during annual meetings of the Cooperation Councils;

49. Recalls its previous resolutions on East Timor and the conclusion of the Public Hearing organized by the European Parliament on the violation of human rights in this territory and considers that, in view of the continuing genocide being perpetrated by Indonesia among the Maubere People, cooperation with Indonesia should also be reviewed and that all arms sales to Indonesia by Community countries should be suspended forthwith;
50. Recalls that the Commission undertook to take into account these recommendations by Parliament and to take appropriate action in the event of continuing or increasing human rights problems;
51. Emphasizes that supporting the social and economic rights of people in the developing countries by means of a constructive and substantial development cooperation policy, with the stress on anti-poverty measures and training programmes, offers more possibilities in the long term than the postponement of cooperation agreements in the short term provided it emphasizes the importance of human rights;

#### *Budget*

52. Notes that provision to support the Community's 'conditionality' and democratisation policy figures in the 1993 budget but believes that there will be a need for increased budgetary and human resources if these policies are to be credible and not merely to be seen as gesture spending, or restricted essentially to developing countries;
53. Notes that with regard to democratisation there are a number of established programmes such as the multi-annual rolling programme for the promotion of human rights and democratisation in Central America, but believes these programmes should be established on a more balanced world-wide basis;
54. Believes that annual allocations for such programmes should be subject to an evaluation to be carried out every year by a Committee of experts, at which Parliament should be represented;
55. Considers that in such programmes support should be given not only to training of the judiciary and other state personnel but that there should be strong support also of church groups, social forces and trade unions who have a vital role to play, including organisations defending the rights of local communities or those which support the victims of abuses and their relatives;
56. Recalls that, in its above-mentioned resolution of 14 May 1992, Parliament called for the establishment of a "European Democracy Initiative", with appropriate budgetary provision;

57. Notes that the funds available are modest, by comparison for example with funding from various sources in the United States, and calls on the Commission to use the resources available in a way that takes account of the different aspects of human rights problems in various parts of the world;
58. Calls for greater coordination amongst the various Commission departments which are responsible for attributing this funding, including greater accountability to Parliament, and believes that there should also be greater coordination with other national and international bodies with the same objectives;
59. Considers that, to this end, a Community interinstitutional working group should be established, in which, if necessary, NGOs with a track record in the area of human rights could be consulted;
60. Believes that the benchmarks of this policy should figure every year in the annual report by Commission to Council called for in the above-mentioned resolution of 28 November 1991, and that this should also be part of the budget debate;
61. Underlines the significance of the Commission's greatly increased role in the promotion of human rights protection around the world;

*EPC/CFSP Memorandum*

62. Welcomes the memorandum provided in 1992 by the Portuguese Presidency on the human rights activities of the Community and its Member States, which helped to move forward the debate and the direction of Community human rights policy and made a number of significant proposals;
63. Notes that press communiques by the Twelve on human rights have become more forceful, as for example the declaration of 22 December 1992 on Cuba, which referred to the positions the Twelve had taken on Cuba at international fora, the negative reaction of the Cuban authorities to Trolka representations in Havana about Sebastián Arcos, and mentioning the growing harassment of human rights militants such as Elizardo Sánchez and Yañez Pelletier;
64. Endorses the proposal in the memorandum that there should be a much strengthened regular dialogue and exchange on human rights between the Community institutions generally and Parliament and European Political Cooperation in particular;
65. Notes that the European Single Act calls for close association of the European Parliament with the work of European Political Cooperation;
66. Notes that, according to EPC, in their respective bilateral approaches Member States have been over the years increasingly taking into account human rights performances and democratic achievement when defining national bilateral cooperation policies;

67. Notes, however, that there have been glaring examples of European Political Cooperation, the Commission and Member States not coordinating their actions sufficiently;
68. Notes that in future EPC/CFSP working groups will provide a summary drawing attention of the EPC political committee (consisting of the political directors of the Foreign Ministries of the Member States) to points Parliament considers important for future action, and that the political committee — under the Maastricht draft treaty — will deliver opinions to the Council which will then decide, in any given situation, which matters will be the subject of joint action and what should be its scope and means;
69. Reiterates its call to the Council/EPC to submit an Annual Report on human rights action and policy for parliamentary debate and scrutiny in far more detailed form than the existing Memorandum which has been submitted annually by the Council/EPC hitherto;
70. Believes that there is a need to strengthen existing human rights monitoring mechanisms established within EPC/CFSP or COREPER, and that there should regularly be on the agenda of EPC/CFSP and COREPER/Council meetings a point to discuss the need for follow-up action and confidential diplomatic démarches;
71. Is concerned about excessive military spending and transfer of police equipment, weaponry and personnel or training to abusive governments, and believes 'conditionality' should strictly apply to arms sales and that contracts should also be checked to see to what extent human rights violations are being encouraged, noting that this is in accordance with the operative guidelines of the aforementioned EC Development Council Resolution of 28 November 1991;
72. Calls on the Twelve to reorganize their military expenditure making economies wherever possible, bearing in mind, however, their duty and interest in being able to provide forces to police international agreements, as in Cambodia, which are themselves, in part, an important defence of human rights;
73. Calls on the Twelve to propose to the developing countries that they make substantial cuts in their military spending, drawing up international cooperation policies rewarding such choices;
74. Calls on the Twelve to develop as a matter of urgency a policy of sharp reductions, transparency and monitoring of arms and technology exports liable to be used for military purposes, and urges consideration of a total ban on such exports to all countries where grave human rights abuses are prevalent or where human rights abuses are a matter of deliberate government policy;

THE WIDER EUROPE AND CSCE

75. Stresses the primary role of the Council of Europe with regard to human rights in the wider Europe, recalling that the European Convention on Human Rights was founded in the belief that justice and peace were best maintained by an effective political democracy and a common understanding and observance of the human rights upon which fundamental freedoms depend;
76. Notes that the standards set by the Council of Europe have been a major reference point for the newly democratising countries of Eastern and Central Europe and that technical expertise in drafting new Constitutions and legislation has been provided by experts from the Council of Europe's Human Rights Services;
77. Reiterates its call for the European Community to adhere to the European Convention on Human Rights as proposed in the November 1990 communication from the European Commission;
78. Is profoundly disturbed that among the world's most tragic and brutal conflicts a number are taking place on the European continent, as in former Yugoslavia, and in the Caucasus region of the former Soviet Union, many of them countries which have signed the CSCE agreements;
79. Recalls that many important rights were affirmed in the June 1990 CSCE Copenhagen document, particularly with regard to minority rights, the right to representative government, and the duties of governments and public authorities, and believes that human rights must become a cornerstone of Europe's new architecture;
80. Recalls further that the CSCE Charter of Paris for a new Europe, to which the European Community is a signatory, states that democracy under the rule of law and human rights is closely linked with prosperity through economic liberty, social justice and equal security;
81. Notes that the 'human dimension' has become an increasingly important part of the CSCE process, as recorded in the Final Declaration of the Helsinki II Conference, but believes that the focus must now be implementation rather than laying down standards;
82. Believes that Europe, however defined, must work towards the establishment of a common European legal/human rights space, which at the broader level would apply to the 'CSCE area', but which would draw its inspiration from and be directly related to bodies such as the European Community and the Council of Europe;
83. Expresses its concern at the tensions which have developed between different European bodies and endorses the declaration of July 1991 by the European Council 'welcoming the readiness of the Council of Europe to put its experience at the service of CSCE', in the belief that the Council of Europe and CSCE must complement each other;

84. Recalls that the Copenhagen meeting explicitly recognised the Council of Europe's contribution to the 'human dimension' and the Council of Ministers decided in Berlin that the Council of Europe should contribute to the 1991 Moscow meeting in its own right;
85. Regrets that the CSCE Oslo seminar on democratic institutions in November 1991 was significant only for the absence of progress made and pointed up the difficulties in establishing the role of the Warsaw-based CSCE Office for Democratic Institutions and Human Rights;
86. Notes that at the Council of Ministers meeting of the CSCE in Prague of January 1992 there was significant agreement to apply the 'consensus minus one' principle in the human rights domain, with the Council deciding that in order to develop further the CSCE's capability to safeguard human rights, democracy and the rule of law through peaceful means, that appropriate action may be taken by the Council or the Committee of Senior Officials, if necessary in the absence of the consent of the state concerned, in cases of clear, gross and uncorrected violations of relevant CSCE commitments;
87. Notes that the Council of Ministers of the CSCE decided at its Prague meeting to establish a rapporteur mission to Nagorno Karabakh, comprising the directors of the CSCE conflict prevention centre, the CSCE Office for Democratic Institutions and Human Rights and representatives of certain countries;
88. Welcomes recent initiatives taken by the CSCE on the crisis in the former Yugoslavia, such as the sending of long-term monitors to Kosovo, Sandzak and Vojvodina and the dispatch of fact-finding missions to Bosnia-Herzegovina, whose numbers should be increased;
89. Supports the Helsinki II attempt made to transform the organisation into the primary forum for dealing with threats to peace in Europe, endowing CSCE with new machinery to provide early warning of conflicts, crisis management and even peace-keeping, as set out in the 76-page document, the Challenges of Change, adopted by 51 governments at Helsinki;
90. Notes that among the first decisions taken further to this document was the dispatch of a mediation team to Georgia to arbitrate in the conflict with Ossetia and authorization of similar CSCE missions to Nagorno Karabakh, Moldova and Estonia;
91. Supports the establishment of CSCE as a 'regional' organisation under the UN Charter, thus able to coordinate peace-keeping efforts with those of the UN;
92. Believes that Helsinki II, despite its shortcomings, was the most useful review since the original agreement of 1975, and believes that 'preventive diplomacy' by means of conferences, fact-finding missions, mediation, disinterested arbitration and the outside policing of agreements, where there is little trust, can defuse tension and avert conflict;

93. Recalls that the Helsinki Final Act of 1975 made a specific link between respect for human rights and peace and stability in Europe, giving enormous encouragement to human rights activists in Eastern Europe;
94. Believes the CSCE 'human dimension' framework must now be consolidated and urges that the working methods of the CSCE mechanisms and institutions should be significantly more accessible to the public and non-governmental organisations, in particular its rapporteur missions, the Committee of Senior Officials and future implementation meetings of experts and government officials;
95. Urges the CSCE to carry out its activities with greater transparency and to coordinate its work with other inter-governmental initiatives, noting that fact-finding and monitoring operations should be distinguished from those undertaken in the context of preventive diplomacy;

#### MINORITIES

96. Notes that the problem of growing tension between ethnic groups and nationalities is obviously increasing both within Europe and throughout the world;
97. Recalls that whatever solution is reached in various cases to the problem of state sovereignty and frontiers, legal and political guarantees for the defence of ethnic, national, religious and linguistic minorities and the relevant human rights must be ensured in such a way that no-one suffers an insurmountable disadvantage as a result of belonging to a minority;
98. Recalls that protection of minorities was an essential Community pre-condition for the recognition of Slovenia, Croatia and Bosnia-Herzegovina and is one of the reasons for recognizing the former Yugoslav Republic of Macedonia and for the conclusion of a financial agreement with Albania, and lies at the heart of disputes in Moldova, Nagorno-Karabakh and South Ossetia; recalls that the provision of adequate guarantees for minorities is one of the essential conditions for recognizing new states and establishing cooperation relations with them;
99. Recalls that 1993 has been nominated by the United Nations as the Year of the World's Indigenous Peoples and believes that the international community, national governments and the European Community should contribute to greater recognition of the special needs of indigenous peoples in terms of territorial, cultural, political and economic rights;
100. Supports the establishment of a CSCE High Commissioner or Ombudsman for Minority Rights;
101. Affirms that issues concerning national minorities are matters of legitimate international concern, and recalls that the 29 June 1991 Declaration by the European Council highlights the importance of protecting minorities and also

- pays tribute to the leading role of the Council of Europe in the field of human rights;
102. Welcomes the adoption by the UN General Assembly of the Declaration on the Rights of Persons belonging to national or ethnic, religious and linguistic minorities in December 1992;
  103. Notes however that, notwithstanding the adoption of this important Declaration, there is still no internationally binding instrument with regard to the protection of minorities, and that an international system must be devised, possibly using the CSCE as a model, for the active protection of minorities, noting also that Article 27 of the International Covenant on Civil and Political Rights is generally ignored;
  104. Is equally concerned at the lack of legal protection, or the failure to enforce it, for old people, children and traditionally marginalised groups, such as nomads, sexual minorities and people with a physical or mental handicap, who in most countries lack sufficient legal protection to enjoy their human rights and dignity; calls on the countries which have adhered to the Convention on abolishing all forms of discrimination against women to implement mechanisms ensuring respect for the rights enshrined therein;
  105. Recalls that many of today's nation states comprise different population groups each with an identity and a history of its own, with fewer than 10% of the approaching 200 UN Member States ethnically homogenous, and stresses that the demand for self-determination is not necessarily a demand for democracy;
  106. Believes every effort must be made to ensure that in cases of rapid transition to democracy attention will be paid to giving guarantees for the rights of minorities;
  107. Recalls that the Committee of Ministers of the Council of Europe has adopted the European Charter for Regional and Minority Languages in the form of a Council of Europe Convention opened for signing on 5 November 1992, and calls on those EC Member States that have not yet done so to sign the convention without delay and to hasten the conclusion in the Committee of Ministers of the Council of Europe of a provisional protocol on minorities to the Convention on the protection of human rights;

#### REGIONAL HUMAN RIGHTS SYSTEMS

108. Reaffirms the importance of regional human rights mechanisms such as CSCE, the OAU, the OAS, but notes that these regional mechanisms vary widely in their effectiveness and that not all the signatory states are fully bound by the relevant Conventions;
109. Believes that while regional mechanisms will display a greater awareness of the cultural specificity of each region, they must all subscribe to the

internationally accepted tenets and provisions of international human rights law;

110. Believes that these regional mechanisms can be strengthened, that the Community can be a positive force in this respect, and that it can also seek the emergence of regional mechanisms in those parts of the world where they have not yet been established;
111. Believes that there can be no derogations from international standards for religious or other reasons and mentions in this connection the dangers of any Middle East code of ethics reflecting the growth of fundamentalist beliefs;
112. Believes that no specific provision based on national, cultural or religious factors can validly be invoked to detract from the principles established by the Universal Declaration and UN Covenants;
113. Believes that international bodies should not hesitate to say so explicitly when they feel that regional human rights mechanisms are ineffectual or misguided;
114. Believes that the link between human rights, democracy and development could shape North-South relations in the 1990s and that well-designed development assistance does directly or indirectly help to create an environment conducive to respect for human rights;
115. Notes that 1992 was the tenth anniversary of the African Charter on Human Rights, and believes there should be considerable efforts to improve working methods, particularly to improve 'reporting' procedures;
116. Believes that the African Commission will not be able to evolve without a substantial programme of assistance;
117. Recalls that at the September 1992 meeting of the ACP-FEC Joint Assembly, significant divergences of view emerged between EP delegates and their ACP partners on the inter-relationship between human rights, democracy and development cooperation, and that for the first time a General Rapporteur withdrew his draft resolution<sup>1</sup>;
118. Recalls in this connection that at the non-aligned summit in Djakarta in September 1992, strong emphasis was placed on the differences of perception about human rights in different parts of the world with the "Message of Djakarta" stating that no country may use its power to impose on other countries its conception of democracy and protection of human rights; considers, however, that there are fundamental universal principles with regard to democracy and respect for human rights that are applicable in all circumstances;

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(Rapporteur Mr Pons Grau)



119. Notes that there is no structure to support and promote human rights in Asia and the Pacific, and that this is also the case in the Middle East and Arab world;
120. Regrets that the fact that women in Middle Eastern countries such as Iran and Saudi Arabia are deprived of their fundamental social and political rights is not always taken into account in the Community's political relations with these countries;
121. Notes that there are now 23 states which are party to the American Convention and 14 of these states recognise the binding competence of the Court;
122. Recalls the conclusions on the Dublin European Council (June 1990) on human rights and good governance in Africa and of the Rome European Council (December 1990) on the promotion of democracy and human rights in external relations;
123. Recalls further that the conclusions of the Council meeting of 19 December 1990 on a restructured Mediterranean policy contains a Declaration of observance of human rights and the fostering of democratic values and that the conclusions of the same meeting contained a substantial addition on human rights and democracy in Latin America and Asia;
124. Notes that human rights feature increasingly on the agenda of meetings between Community Member States and other governments such as the EC-Central American ministerial meeting in March 1991 and the EC-ASEAN Ministerial meeting in May, and are a feature of the current trade negotiations with ASEAN;
125. Warns of the danger of bogus human rights committees being established in third countries, and calls on the Commission and Community governments to examine scrupulously how support for human rights bodies in third countries or regions is channelled and applied, and to assess regularly the impact and results of such support;

#### UNITED NATIONS

126. Notes that the current international situation requires the Member States to act as one in the UN and that action to draw up and implement strategies and measures to maintain international peace and security must be undertaken by the Community, where necessary and possible jointly with the UN;
127. Recalls in this connection the UN's role in Cambodia where the United Nations transitional authority is to run the country until the April 1993 elections, and its involvement in resolving long-standing conflicts in Afghanistan, Angola, El Salvador, Western Sahara, Cyprus and Lebanon;
128. Is gravely concerned that the scale of such tasks now being entrusted to the UN, such as the constitutional transition in Cambodia, is such that the present

budgetary resources allocated to the UN are woefully inadequate, and notes that funding for the UN Human Rights Centre in Geneva amounts to no more than 1% of the total UN budget, and that there are only 45 permanent staff at the Geneva Centre;

129. Points out, however, that UN spending is frequently wasteful and inefficient;
130. Considers that the 'safe havens' policy applied to the Kurds in Iraq under UN Resolution 688 could be applied in other zones of conflict;
131. Affirms that whilst not underestimating the importance of the Universal Declaration and UN Covenants, the emphasis so far of the international community has been on standard-setting and that in the future the accent must be on action-oriented ways to implement or enforce these UN instruments;
132. Reaffirms its firm attachment to the principles of the 1951 Geneva Convention, but believes there is a need to draw up an international agreement on fair and satisfactory asylum procedures which should also address the situation of those refugees or displaced persons who need temporary protection;
133. Believes there is an urgent need to revise the Geneva Conventions on Refugees, and believes further that a new convention is required to deal with the category of 'displaced persons', in particular for people from war zones or from areas where there is widespread violence, and that the internationally recognised principle of non-refoulement set out in the 1951 Geneva Convention relating to the status of refugees is now under threat;
134. Considers that international conventions on the human rights of displaced persons and refugees should also include the human rights of internal refugees;
135. Calls for the establishment of a UN High Commissioner for Human Rights, analogous to the High Commissioner for Refugees, who should have a flexible mandate covering all areas of human rights and the authority and independence to act effectively in human rights crises, to develop new methods of human rights protection and to coordinate and integrate human rights activities into other areas of the UN's work;
136. Considers that the initiative to establish such a High Commissioner for Human Rights, conceivably by the UN World Conference on Human Rights, should be complemented by a programme of reform and reinforcement of the existing UN human rights mechanisms, notably the field mechanisms of the UN Commission on Human Rights and the Treaty bodies which monitor the implementation of the International Human Rights Treaties;
137. Notes that the politicisation of the UN's human rights bodies has persisted with members of regional blocks frequently closing ranks to protect an accused member of their own group at UN meetings;

138. Notes, however, that in 1992 of the various country situations put forward to the UN Commission, three countries in sub-Saharan Africa were considered under the confidential procedure and it was announced that at least one other would be moved to public scrutiny if there was no significant improvement in the human rights situation, making this effectively the first year that African countries had failed to block moves to 'blacklist' OAU members;
139. Believes the functioning of the UN human rights system and implementation and supervisory matters will be examined at the UN World Conference on Human Rights to take place in Vienna in June 1993, and believes the position of the European Parliament should be represented at that Conference by a delegation from its Human Rights Subcommittee;
140. Stresses in particular the role of parliaments in implementing human rights and calls for this topic to be included in the conference;
141. Notes that there is currently consideration of an emergency mechanism of the UN Commission, similar to the two emergency sessions on the former Yugoslavia held in August and November 1992;
142. Recalls that the Community has always greatly valued the UN Advisory Services and Technical Assistance Programme which was considered important as a potential preventive mechanism and as a way of assisting countries in the transition to democracy and the rule of law;
143. States clearly, however, that it does not view consideration of country situations under this programme as an alternative in cases of gross and systematic violation of human rights, and regrets the tendency at the UN Commission to remove items from the agenda and include them in the advisory services programme;
144. Reaffirms its conviction of the importance of education and training and recalls that essentially the role of the UN Commission is not to sit in judgment, but to promote and protect human rights, in addition to publicly scrutinizing of instances of gross violations;
145. Recalls nevertheless that much progress has been made at the UN where originally it was impossible to mention a country by name and no letters citing human rights abuses were admissible, that 15-20 years ago no countries would have opened their doors to a Special Rapporteur, and that the principle of non-interference (Art. 2.7 of UN Charter) is no longer a protective barrier;
146. Welcomes the fact that an international human rights tribunal has been set up in connection with the atrocities committed in the former Yugoslavia as proposed at the UN and will operate using mechanisms similar to those of the European Court of Human Rights or the Inter-American Tribunal;
147. Considers it essential that international observers be present at any legal proceedings concerning human rights violations which may take place in former Yugoslavia or arising from any other circumstances in which such violations might occur;

ACTIVITIES OF THE EUROPEAN PARLIAMENT

148. Believes that the European Parliament has acquired a certain perceived authority in the sphere of human rights, that it is the most appropriate Community body to discharge this function, and that it is the privilege of a Parliament to ask questions and say things a government cannot;
149. Considers that Parliament should further strengthen its action in the field of human rights in line with the evolving 'conditionality' policy, with the evolution of human rights policy as a constituent part of the treaties, Parliament's power under the Single European Act to withhold its 'assent' under Article 238 of the EEC Treaty (which may be extended further under the Maastricht Treaty) and to block agreements with third countries on human rights grounds;
150. Notes also that under Article 228 of the EEC Treaty Parliament may withhold its assent for a wider range of cooperation agreements - assent which it may withhold for reasons of, amongst others, serious human rights violations in countries with which the Council has signed agreements;
151. Notes that Parliament has continued to increase constantly its "case work" as well as dealing with situations, and that this requires considerable resources, which are at present insufficient;
152. Welcomes the system of annual reports on human rights in the Community to be drawn up under the auspices of the *Committee of Civil Liberties and Internal Affairs*;
153. Believes that directly elected legislatures are symbolic of an open society governed by the rule of law and Members of Parliament are in a unique position to formulate policies aimed at improving human rights conditions and encouraging democratisation, and have an obligation to express themselves, when appropriately informed, on situations of human rights abuse;
154. Affirms that the scrutiny of Community programmes to support and promote democratisation and the development of civil society should be a major part of the remit of its Subcommittee on Human Rights;
155. Notes that it is in large measure because of the work of NGOs and individuals (collectively represented by Members of Parliament) that governments have begun to look more seriously at the human rights aspects of foreign policy, development cooperation and external economic relations;
156. Notes that there are attested cases of individuals released from detention as a result of pressure from Parliament, and that former political prisoners have paid tribute to the work of Parliament as one of many bodies which has highlighted the plight of a particular individual or a particular human rights problem and embarrassed a government into resolving that situation;
157. Pledges that it will continue to use the means at its disposal, both formal and informal, to press for the resolution of human rights problems, in particular

by its inter-Parliamentary delegations and the Joint Parliamentary Committees which should establish procedures to raise human rights as a fixed agenda item;

158. Decides to pursue greater coordination with other national and international bodies concerned with human rights, both within and outside the European Community, as well as with the Commission and European Political Cooperation;
159. Calls on the Commission and European Political Cooperation (in accordance with paragraph 7(2) of the Decision of 28 February 1986), formally to submit observations on this resolution;
160. Instructs its President to forward this resolution to the Commission, the Council, European Political Cooperation, the Council of Europe, the Secretary-General of the United Nations, the CSCE, the OAU, the OAS and ASEAN, and the governments of all the countries mentioned in this resolution.

## RESOLUTION ON RESPECT FOR HUMAN RIGHTS IN THE EUROPEAN COMMUNITY

— ANNUAL REPORT OF THE EUROPEAN PARLIAMENT —

(adopted by the European Parliament on 11 March 1993  
and published in OJ No. C 115, 26.4.1993)

**European Parliament Resolution on Respect for Human Rights  
in the European Community  
(Annual report of the European Parliament)**

*The European Parliament,*

- having regard to the Universal Declaration of Human Rights,
- having regard to the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights and the protocols thereto,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols,
- having regard to its resolution of 12 April 1989 adopting the Declaration of fundamental rights and freedoms<sup>1</sup>,
- having regard to the principles deriving from international and European human rights standards,
- having regard to its resolution of 12 March 1992 on the death penalty<sup>2</sup>,
- having regard to its resolution of 13 October 1989 on conscientious objection and alternative civilian service<sup>3</sup>,
- having regard to the Treaties establishing the European Community,
- having regard to the Treaty on European Union,

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1. OJ No. C 120, 16.5.1989, p. 51  
2. OJ No. C 94, 13.4.1992, p. 277  
3. OJ No. C 291, 20.11.1989, p. 122

- having regard to the general principles of law common to all the Member States,
  - having regard to the Joint Declaration of 5 April 1977 by Parliament, the Council and the Commission on fundamental rights,
  - having regard to the Joint Declaration of 11 June 1986 by Parliament, the Council, the representatives of the Member States meeting within the Council and the Commission on racism and xenophobia,
  - having regard to the European Charter of Fundamental Social Rights,
  - having regard to its resolution of 29 October 1982 on the memorandum from the Commission on the accession of the European Communities to the European Convention for the Protection of Human Rights and Fundamental Freedoms<sup>1</sup>,
  - having regard to the Commission communication of 19 November 1990 on Community accession to the European Convention on Human Rights,
  - having regard to its resolution of 9 July 1991 on human rights<sup>2</sup>,
  - having regard to the case law of the Court of Justice of the European Communities,
  - having regard to Rule 121 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties and Internal Affairs and the opinion of the Committee on Culture, Youth, Education and the Media (A3-0025/93 and A3-0025/93/suppl.),
- A. whereas respect for human rights is the foundation of democracy and constitutes a basic principle of Community integration,
- B. having regard to Community action to promote human rights in the world,
- C. having regard to the principle of interference on humanitarian grounds, as recognized by the international community in UN Security Council Resolution No. 688,
- D. deeply concerned by the rise in racism and xenophobia and in particular the acts of racist violence committed against foreign communities in a number of Member States,
- E. whereas in certain Member States and in European scientific bodies there is discrimination on grounds of trade union and party membership and whereas the rights of trade union delegates are restricted,

1. OJ No. C 304, 22.11.1982, p. 253

2. OJ No. C 240, 16.9.1991, p. 45

- F. whereas jurisdiction over respect for human rights in the Member States lies with national courts and the relevant organs of the Council of Europe,
- G. whereas up to now, Community law, the common legal principles of the Member States and the rules of international law have provided protection of fundamental rights against the actions of Community institutions and bodies,
- H. whereas, however, there are no specific checks on whether human rights are respected in Community law,
- I. whereas there is no body of law setting out the fundamental rights of European citizens and guaranteeing protection of those rights within the Community legal order,
- J. whereas certain groups of people, including women, children, the disabled, the elderly, detainees, internees, those placed in institutions, itinerant persons and foreigners, are especially vulnerable and insufficiently well organized to assert their rights and to defend their fundamental freedoms; whereas legal assistance, legal protection and the judicial process and information about them are not sufficiently accessible to such groups, inter alia because of the high costs, the complexity and the inappropriateness of the system,

#### General principles

1. Takes the view that the abolition of internal frontiers under the Single European Act, and the provisions for intergovernmental cooperation in the fields of justice and home affairs in the Treaty on European Union, reinforce the need for clear and readily available judicial processes against breaches of human rights in each Member State, under the European Convention for the Protection of Human Rights, in advance of the establishment of a Community system for the protection of human rights;
2. Considers that the extension of the Community's powers and the processes of economic integration and their consequences require on-going parallel checks to be made on the degree of protection for basic human rights, which can be fully ensured only if the Community institutions draw up and implement a real 'action programme on basic human rights' in consultation with the appropriate bodies of the Council of Europe;
3. Believes that such an action programme should include a set of legislative, political and monitoring measures relating to the impact of the integration process on human rights (social, economic, environmental and consumer rights, rights vis-à-vis the authorities), the questions raised by new technologies (bioethics, freedom of information and the protection of personal data) and areas which call for special measures (children and citizens from outside the Community);
4. Recalls the absolute principle of the universality of human rights; considers, nevertheless, that because of their colour, ethnic or national affiliations, sex or sexual preferences, age, physical handicaps, religion, philosophical or moral beliefs,



certain individuals may be more likely to suffer a violation of their human rights than others; calls, therefore, for particular attention to be paid to such persons;

5. Takes the view that, in particular as a result of the implementation (in the Schengen Accords and through the work of specific intergovernmental groups) of an extensive and complex system of 'compensatory measures' to deal with the abolition of internal frontiers, the establishment of a system for protecting and safeguarding human rights is urgently needed;

6. Considers also that, given the increasing complexity of the Community legal order, the adoption of a basic instrument aimed at guaranteeing fundamental rights in areas covered by Community law will ensure greater transparency for European citizens;

#### **A Community system for the protection of human rights**

7. Calls on the Commission to draw up an action programme for a consistent and coordinated human rights policy and, to this end, to produce a White Paper;

8. Calls on the Commission and the Council to issue a Joint Declaration supporting the European Parliament's Declaration of fundamental rights and freedoms, for inclusion on the agenda for future intergovernmental conferences with a view to its incorporation in the Treaties;

9. Expresses the wish that the Community will rapidly enter into negotiations with a view to its accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms and accordingly calls on the Commission to submit the relevant proposal for a decision to Parliament;

10. Calls on the Commission to develop a coherent and coordinated Community human rights policy, by drawing up a White Paper on such a Community policy;

11. Stresses that the Community must ensure that human rights are respected in the Member States in order to lend maximum credibility to its commitment to human rights in the rest of the world;

12. Calls on the Community and the Member States to create a structure in which attention is paid to the protection and promotion of human rights within the Community and to combating racism and xenophobia, with a view to joint action being taken against the Member States concerned;

13. Acknowledges that including references to human rights conventions in cooperation agreements with third countries forms a legal basis for the partner countries to use to encourage the Community to act against violations of human rights on its own territory;

14. Proposes, to that end, that a clause be included in the agreements concluded by the Community stipulating that relations between the Community and the country or countries concerned as well as all the provisions of the agreement in question are to be based on respect for the democratic principles and human rights

which inspire the domestic and international policies both of the Community and of the country or countries concerned and 'which constitute an essential element of the agreement';

15. Proposes further that, in the preamble to the agreement in question a general reference should be made to respect for human rights and democratic values as well as references to the universal and/or regional instruments common to both parties;

16. Proposes, finally, that all agreements concluded by the Community should include an express suspensory clause ('Baltic clause') and a general non-implementation clause in the event of serious breaches of human rights;

17. Considers that it is the responsibility of the European Parliament to promote fundamental rights and freedoms and to help to improve their protection in respect of citizens of the Union, and all nationals of third countries;

18. Decides to include on its agenda for its plenary sessions topical and urgent issues relating to the respect for human rights within the Community, on a par with human rights issues outside the Community;

19. Instructs its Committee on the Rules of Procedure to amend the procedure for considering urgent motions for resolutions to bring it into line with its powers with regard to human rights within the EC;

20. Undertakes, as a representative body, to speak out on cases of human rights violations within the Community;

21. Instructs its appropriate committees to take up important issues related to human rights policy and practice in the Member States with the governments concerned, which may include sending delegations to carry out on-the-spot investigations;

22. Recommends that legal entities (associations) should also have the right to bring proceedings before the Court of Human Rights;

#### **Poverty and economic, social and cultural rights**

23. Deplores the fact that the problem of poverty in Europe is widespread and worsening, and the fact that ever-larger sections of society are falling below the poverty line which is a de facto barrier to the enjoyment of fundamental rights; calls on the Commission to study the causes and extent of poverty in the Community and to propose to the European Parliament and the Council measures to improve the situation of those concerned;

24. Considers that economic, social and cultural rights recognized at international level as fundamental rights, i.e. the effective enjoyment of those rights must be recognized and guaranteed for each individual, even though they are in many cases only defined as part of a programme, should enjoy the same level of protection as civil and political rights, given the indivisibility and interdependence of all human rights and fundamental freedoms;

25. Believes therefore that the Community and the Member States should unreservedly ratify and apply the Council of Europe's social charter, that they should respect the international conventions and recommendations of the I.L.O, and that the government of the United Kingdom should without delay sign the agreement on social policy appended to the Maastricht Treaty;

26. Recommends that a system be devised which provides minimum guarantees in respect of housing, income, social aid, health care and legal aid essential to leading a life in keeping with human dignity; such a system should be accessible in particular to the disadvantaged sections of the population and to non-EC citizens legally resident on Community territory; considers that emergency medical care and legal aid should also be accessible to non-EC citizens on the territory of the Community;

27. Considers that the codification of economic, social and cultural rights is not in itself sufficient and that, as the process of pauperization is structural in nature, it must be coupled with sustained action, readily accessible to the most disadvantaged members of society, to tackle the root of the problem;

28. Believes that full participation by disadvantaged persons in the drawing up, monitoring and evaluation of measures in their favour would be an additional guarantee of efficiency and relevance;

29. Supports, therefore, measures to promote self-sufficiency activities of the NGOs as part of an integrated policy to combat poverty, involving the Community and the Member States;

30. Believes it is essential to inform the people of Europe and especially young people of the nature and extent of poverty, in particular by drawing up educational programmes for schools on human rights;

31. Expresses its support for the efforts of all those in the Community and throughout the world who refuse to accept the violation of human rights which poverty constitutes, and calls for the General Assembly of the United Nations to proclaim 17 October as World Day of Opposition to Poverty;

#### **Racism, xenophobia and discrimination**

32. Expresses its condemnation of the growing intolerance in Europe towards foreigners, non-EC citizens and persons belonging to minority social groups and roundly condemns acts of openly racist and fascist violence perpetrated in the name of this ideology and, in general, any action liable to be a vehicle for such ideology or to encourage racist behaviour, in particular amongst young people; also expresses its solidarity with all victims of racism and xenophobia;

33. Also expresses its deep concern at the discrimination against, or marginalization of, persons constituting some other form of 'otherness': the physically or mentally handicapped and people belonging to a (non-) religious, ethnic, linguistic or sexual minority;

34. Proposes that a European media campaign be launched by the EC institutions with a view to supporting the struggle against these forms of intolerance and aimed at encouraging initiatives and measures taken at national, regional and local levels;
35. Makes an urgent appeal to the governments of the Member States and the Community authorities to guarantee the protection of foreign communities against racist and fascist violence and to work towards improving their living, housing and working conditions;
36. Calls on the governments of the Member States and the Community authorities to step up the struggle against racism and xenophobia, in particular by adopting and, where appropriate, strengthening legislation against racism and xenophobia, monitoring the application of such legislation and granting legal entities and associations the right to institute proceedings against acts of a racist nature and to act as civil party in such proceedings;
37. Calls on the Council and the Commission to organize forthwith a consistent and integrated campaign against racism and xenophobia as part of the social policy and policy of cooperation in the fields of judicial and home affairs and immigration;
38. Stresses the urgent need for such action, which should be accompanied by a European campaign of awareness of the right to be different and respect for fundamental freedoms, to be targeted at young people and adolescents;
39. Instructs its competent committee to draw up new reports on the question of racism and xenophobia, with particular reference to the causes of the revival in right-wing extremism and xenophobia, and to draw up structural proposals aimed at tackling the underlying causes;

#### **Death penalty**

40. Notes that the death penalty is no longer applied in the Community;
41. Reaffirms that the right to life and the right not to be subjected to inhuman or degrading treatment are absolute and inviolable rights, which may not be left to the discretion of states;
42. Calls on the Member States in which the death penalty is still in force to abolish it;
43. Calls on the Member States which have not yet done so to accede to and/or ratify Protocol 6 to the European Convention on Human Rights and Protocol 2 to the International Covenant on Civil and Political Rights;
44. Welcomes the recent ratification by Luxembourg of Protocol 2 to the International Covenant on Civil and Political Rights, which seeks to abolish the death penalty;
45. Calls on the Member States to adopt legally binding measures which prohibit the extradition of any accused person liable to the death sentence in a third country;

### **Conscientious objection**

46. Considers that the right of conscientious objection, as recognized by Resolution 89/59 of the UN Commission on Human Rights on conscientious objection against military service, should be incorporated as a fundamental right in the legal systems of the Member States;

47. Notes, however, that this right is not included in any international human rights agreement and therefore falls within the sovereign power of each State;

48. Calls for common principles to be defined with a view to eliminating discrimination between European citizens with respect to military service;

49. Considers that these common principles should include minimum guarantees to ensure that:

- sufficient information is made available on conscientious objector status,
- conscientious objector status can be applied for at any time, including during military service,
- an effective means of appeal is made available should the conscientious objector status be refused;

50. Condemns the trials and imprisonment of conscientious objectors in the Member States, many of whom have been regarded as prisoners of conscience by Amnesty International;

51. Stresses that an alternative civilian service should be provided for, of the same length as military service, so that it is not seen as a sanction or deterrent;

52. Encourages the introduction at Community level of alternatives to military service as part of Third World development aid programmes or assistance cooperation with the countries of Eastern Europe;

53. Condemns, in particular, the practice in Greece which treats conscientious objectors as criminals and condemns them to long periods of imprisonment in military prisons;

### **Threats to the rule of law**

54. Notes the widespread and serious attacks on the rule of law, democracy and human rights resulting from organized crime and organized financial and economic crime, in particular because of its close links with politics, economics and the civil service, and also because of large-scale tax evasion and avoidance which represent significant losses to ordinary people, notably in social and economic terms;

55. Considers that these activities also constitute an obstacle to the enjoyment of the freedom of establishment and freedom to provide services in the Community;

56. Points out that, given the international scale of organized crime and organized economic and financial crime, and the opening of borders within the Community, this cooperation must be developed if measures to combat organized crime and organized economic and financial offenses are to be effective;

57. Regrets that the work carried out at Community level to develop police cooperation (Europol) and take joint measures against organized crime and organized financial and economic crime in general (TREV I III) pays insufficient attention to the principles of democracy and the rule of law, and in particular accountability to Parliament and the courts, and regrets that such work will apparently remain outside the remit of the Community;

58. Considers that, together with police cooperation, in order to ensure that measures are effective while preserving the guarantees underlying democratic systems, legal cooperation should be developed and stepped up, starting with certain welcome innovations contained in the Schengen accords (extradition for financial and fiscal fraud and on the basis of the provisions of Title VI of the Treaty of Maastricht);

59. Also considers that, in order to deal adequately with the special characteristics of a criminal world which is now organized on an international scale, a common legal area should be established by passing important common standard criminal laws to complement and form part of a legal area based on the principles of cooperation, extradition, the *non bis in idem* principle and the international enforcement of sentences;

60. Calls on the Member States to take all the necessary measures in the fight against the Mafia and other forms of organized crime to restore respect for the rule of law within their territories in order to ensure that fundamental rights and freedoms are guaranteed and actually enjoyed;

61. Considers that a long-term campaign against crime organized on an international scale, especially organized economic and financial crime, must also include measures to increase awareness of the problem among European citizens and international public opinion;

62. Undertakes, in this connection, to denounce unequivocally and wherever necessary any threats to the rule of law;

### **Double jeopardy**

63. Believes that the practice adopted by certain Member States of deporting non-Community citizens after they have been convicted and have served a sentence may lead to an individual being punished twice for the same offence;

64. Considers that the authority of *res judicata* and the principle of individual freedom, which together form the basis of the *non bis in idem* rule in criminal law, are among the general principles of law;

65. Believes that the principle of free movement within the Community should be accompanied by general recognition of the *non bis in idem* rule in order to eliminate the possibility of double jeopardy in the Community;

#### Right of asylum

66. Regrets the fact that several Member States have begun progressively to reduce legal protection and social security for asylum seekers;

67. Regrets the intergovernmental nature of initial measures taken to harmonize the status of nationals of third countries in the Community, adopted under agreements signed between the Member States to deal with the consequences of the abolition of intra-Community frontiers;

68. Deplores the fact that these measures contain no guarantees relating to the protection of fundamental rights, in particular with regard to asylum seekers;

69. Wishes to draw attention to the danger that Europe may set itself up as a fortress if non-Community nationals are discriminated against in terms of the principles on which the Community order is based;

70. Believes that the procedures for examining requests for asylum should initially be harmonized on the basis of fundamental rules of fair and humane treatment, as established by the 1951 Geneva Convention and further elaborated in the Conclusions adopted by the UNHCR Executive Committee and Recommendation R (81) 16 of the Committee of Ministers of the Council of Europe;

71. Calls on the Member States to ensure strict compliance with these international agreements and, in particular, to put an end to the irregularities, abuse and contravention of the procedures on arrival in the host country, immediately following the first application for asylum; the immediate repatriation of applicants for asylum and the refusal to provide legal assistance when such applicants are first questioned constitute serious violations of human rights as set out in international agreements;

72. Calls on the Community and the Member States to adopt an international agreement on minimum standards for fair and satisfactory asylum procedures, which would provide the Member States with a uniform legal basis for the examination of asylum claims, enhance their capacity to achieve effective harmonization of their asylum policies, and set a clear standard against which to measure asylum procedures and practice in host third countries to which asylum-seekers may be sent;

73. Calls on the Commission to consider whether a supranational body could be set up to be responsible, at Community level and in cooperation with the UNHCR, for giving its opinion on final decisions to reject asylum applications;

74. Urges that Article K9 of the Treaty on European Union be utilized as early and as widely as possible and in any event as envisaged in the Declaration on Asylum attached to the said Treaty;

### **Emergency criminal laws**

75. Believes that emergency criminal laws may give rise to cases of abuse and arbitrary interpretations since they imply increasing the police's discretionary powers to the detriment of judicial investigations and procedural guarantees and that as a consequence there should be guarantees to prevent such potential abuse and that provision must be made for judicial and parliamentary reviews;

76. Considers in any case that even if conditions indicating an exceptional and serious situation leading to the adoption of special criminal laws have been fulfilled, strict arrangements must be made to ensure that these are temporary;

77. Considers, at all events, that a number of guarantees must be provided for the purposes of respecting fundamental rights, in accordance with the principles of democracy and of international law, namely:

- respect for the principle of presumption of innocence,
- respect for the rights of the defence so as to avoid, in particular, the reversal of the burden of proof,
- clarity of law,
- respect for the principle that laws may not be applied retroactively,
- respect for the principle of proportionality,
- respect for the physical and psychological integrity of persons in custody or charged with an offence,
- the need for an official search warrant,
- the protection of personal data;

78. Calls on those Member States which have introduced emergency criminal proceedings or which have actually introduced a state of emergency at regional level to abandon such procedures and, in particular, to introduce a ban on solitary confinement;

### **Conditions of detention**

79. Considers that it is essential to stress the idea of the reformatory function of the sentence and the aim of reintegrating prisoners as human beings and members of society;

80. Reasserts firmly the absolute nature of the ban on inhuman and degrading treatment;

81. Utterly condemns the use of torture and inhuman or degrading treatment and expresses its dismay at the fact that such practices are used in Europe during police questioning and in prisons and believes that, where such practices are directed at immigrants, applicants for asylum or persons belonging to minority groups, they may set a dangerous precedent for racial discrimination and xenophobia, since they are applied by representatives of the legal authorities;



82. Recalls that, by virtue of the principle of presumption of innocence, any pre-trial detention decision should be based on legitimate and exceptional reasons; accordingly, regards as arbitrary the use of detention on remand as a general rule;
83. Questions whether the resources made available to prison administrations are adequate for guaranteeing living conditions in keeping with human dignity, given the overcrowding and lack of hygiene reported in certain detention centres;
84. Considers that detainees must enjoy at least the following fundamental rights:
- the right to privacy;
  - the right to dignity and to physical and moral inviolability;
  - the right to receive visits and mail;
  - the right to health and hygienic conditions;
  - the right to receive legal and social assistance, with particular reference to reintegration into society;
85. Calls for the police code of ethics to be based on respect for human rights;
86. Instructs its appropriate committee to draw up a European draft code of conduct for the police based on international criteria such as those set out in the UN Code of Conduct for law enforcement officials;
87. Welcomes the fact that an additional protocol on the rights of persons deprived of their liberty is being prepared at the Council of Europe;
88. Calls on the Member States which have introduced emergency measures in respect of criminal offences and which actually apply emergency proceedings to specific regions to keep the period of detention without trial to a minimum in accordance with Article 5(3) of the European Convention on Human Rights and court rulings based on that Article;

#### **Length of proceedings**

89. *Is aware of the general lengthiness of judicial proceedings in Europe;*
90. Believes that, apart from the danger of leading to a denial of justice, excessive delays in the field of justice have unforeseen consequences and undermine the fairness of proceedings;
91. Calls for the concept of a reasonable time limit, as protected by the European Convention on Human Rights, to be introduced into the national legal orders, and calls on the Member States to consider how to cut down procedural delays;

**Acquisition and/or retention of nationality**

92. Expresses its concern with regard to Article 19 of the Greek Nationality Code which, without any legal basis and in defiance of international commitments, is used to deprive members of the Muslim minority of their Greek citizenship if they leave the country with the 'intention' of not returning;

93. Considers that freedom of movement and the extension of European citizenship call for the replacement of the principle of 'ius sanguinis' by the principle of 'ius soli' as a basis for citizenship;

94. Considers, in general terms, that obstacles to the acquisition of nationality are a source of discrimination which is unjustified in present-day Europe;

95. Reaffirms that the exercise of the fundamental right to leave any country and return to one's country may not be penalized by the withdrawal of citizenship rights;

**Political and trade union discrimination**

96. Condemns the excessive number of infringements of trade union rights and the rights of trade union officials in many Member States and certain European scientific bodies and calls for such practices to be terminated through the recognition of trade union freedom as a fundamental right in all Member States and all European scientific bodies;

97. Deplores in particular the unilateral denunciation of long-term collective agreements, denial of the right of elected trade union representatives to information about business management, denial of the right of workers to be represented in connection with complaints or disciplinary measures, and failure on the part of employers to consult trade union representatives about questions concerning surplus personnel, health and safety;

98. Expresses its concern at the fact that, in one Member State in particular, numerous cases have arisen in which there was a failure to apply the legal principles, applicable in a constitutional State, of the presumption of innocence and of a verdict of not guilty if no clear proof of the accused's guilt is adduced;

99. Condemns the unilateral removal of trade union rights from the workers at GCHQ in the United Kingdom;

100. Wishes, in general terms, to draw attention to the fact that any administrative sanction must result from an investigation that is sufficiently thorough and demonstrates expertise and compliance with the laws and constitutional principles without regard to individual political positions so as to avoid arbitrary decisions;

101. Considers that administrative investigations in the FRG do not adequately meet these conditions because the introduction of the criterion of 'proximity to the state', measured in terms of active involvement in the SED, in mass organizations and

substantive or honorary positions in the state, the economy and in society, means that decisions are clearly politically biased;

102. Expresses its concern, in this connection, at the dismissal of academics and civil servants in general, and the investigations and accusations against lawyers and solicitors and in political circles in the former GDR, which are being carried out in defiance of the law and without prior examination and are an infringement of the freedom of expression and of opinion<sup>1</sup>;

103. Remains concerned at the dismissal of public service employees, in particular school and university teachers, the unjustified restrictions on access to public service and the refusal to take into account time worked in the public service in assessing a person's working life or calculating pensions;

104. Is also concerned at the lack of coherence of administrative penalties and measures adopted by the United Kingdom to abolish subsidies to certain social and cultural associations and groups in Northern Ireland and to slash the budgets for institutions permitting minorities to express their opinions;

105. Is concerned at the risk of abuse of power arising wherever an administrative measure aimed at countering or punishing a specific act is applied generally;

#### **European legal assistance**

106. Reiterates its disapproval of the intergovernmental nature of work in certain areas of common interest (justice, home affairs, immigration policy) following the opening up of frontiers;

107. Believes that mechanisms created in this context should be subject to monitoring by courts of law and that access to such monitoring should be guaranteed to those concerned in the form of legal assistance which should be organized at Community level;

#### **Respect for privacy**

108. Notes that, in view of the completion of the internal market, the need of transborder traffic, including the exchange of personal and other privacy-related data, has increased significantly;

109. Points out that the unrestricted exchange of personal and other privacy-related data poses an *unprecedented threat to the right to privacy*;

110. Considers that harmonization of privacy legislation among the Member States is urgently needed;

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1. See motion for a resolution by Mr Piquet and others on police searches in PDS offices in the new Länder on 24 February 1992 (B3-0464/92)

111. Reconfirms the need to adopt a Council directive with the aim of securing the harmonized adaptation of national legislation;

112. Considers that harmonization of legislation should be directed towards acquiring a high level of privacy protection within the Community, without lowering the standards achieved in some Member States;

113. Welcomes the proposals of the Commission as submitted to the Council in October 1992;

114. Calls upon the Council to review these proposals in due course and to adopt a privacy directive without delay;

#### **Protection of personal integrity**

115. Calls on the Member States to amend their legislation with a view to granting greater protection to individuals with particular regard to the trade in human organs, possible abuses of genetic engineering, human exploitation, sexual abuse, forced sterilization and any other form of physical or mental abuse of human beings;

116. Expresses its deep concern at the increase in medical tests and controls carried out without any objective justification, and sometimes without the consent of the persons concerned, which are used as a selection criterion for access to employment, private or social insurance and housing etc., and which are a flagrant example of discrimination;

#### **Motions for resolutions incorporated in this annual report**

117. Believes that the principle of the presumption of innocence and the guarantee of fair procedures are essential preconditions for a fair penal code which respects the principle of non-discrimination before the law<sup>1</sup>;

118. Reiterates that the freedom of peaceful assembly as set out in Article 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms protects the right of collective defence of interests organized through trade unions democratically constituted at the place of work<sup>2</sup>;

119. Believes that the ban on inhuman or degrading treatment is absolute in nature and deplors the situation of certain refugees on Community territory, despite international commitments in this field;

120. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and to the United Nations High Commissioner for Refugees, the Council of Europe's Human Rights Committee, the Executive Committee of Amnesty International and to the

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1. See motion for a resolution by Mr Daffe on behalf of the Socialist Group on the Maguire Case (B3-1653/91)

2. See motion for a resolution by Mrs Valent on civil rights and trade union recognition (B3-0102/92)

governments and parliaments of the states with which the European Community has Association Agreements.

## **ANNEX 1 — STATISTICS AND LIST OF DOCUMENTS ADOPTED BY THE EUROPEAN PARLIAMENT**

July 1989 — July 1993

### **Introduction**

The European Parliament and its committees, groups and Members may express themselves on human rights in the world and within the Community as follows:

(a) through reports or resolutions:

most resolutions on human rights issues are adopted after the monthly three-hour debate on topical and urgent subjects of major importance (Rule 47 of the Rules of Procedure);

the parliamentary committees responsible may also draw up reports on issues directly or indirectly linked to human rights in the world or in the Community;

(b) through parliamentary questions, namely, (i) oral questions (Rule 40 of the Rules of Procedure); (ii) questions for Question Time (Rule 41 of the Rules of Procedure); (iii) written questions (Rule 42 of the Rules of Procedure);

(c) the European Parliament may also deal with human rights issues by setting up committees of inquiry (Rule 136 of the Rules of Procedure) or organizing public hearings (Rule 22(8) of the Rules of Procedure).

### **I. HUMAN RIGHTS IN THIRD COUNTRIES**

July 1989 — July 1993

#### **(1) Reports**

- report drawn up on behalf of the Political Affairs Committee (September 1991) on human rights in the world in 1989 and 1990 and Community human rights policy (Doc. A3-221/91 — resolution: OJ No. C 267, 14.10.1991)
- report drawn up on behalf of the Committee on Foreign Affairs and Security (March 1992) on the death penalty (Doc. A3-62/92 — resolution: OJ No. C 94, 13.4.1992)

- report drawn up on behalf of the Committee on Foreign Affairs and Security (May 1992) on a European fund for democracy (Doc. A3-45/92 — resolution: OJ No. C 150, 15.6.1992)
- report drawn up on behalf of the Committee on Foreign Affairs and Security (March 1993) on human rights in the world and Community human rights policy for the years 1991-1992 (Doc. A3-56/93 — resolution: OJ No. C 115, 26.4.1993)
- report drawn up on behalf of the Committee on Development and Cooperation (July 1993) on human rights, democracy and development (Doc. A3-222/93 — resolution: OJ No. C 255, 20.9.1993)<sup>1</sup>

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1. The ACP-EEC Joint Assembly also adopted a report (March 1993) on democracy, human rights and development in the ACP countries (Doc. ACP/EEC: 687/93/A/fin. - resolution: OJ No. C 234, 30.8.1993)

(2) Resolutions <sup>1</sup>

The European Parliament also adopted 345 resolutions, broken down as follows by continent and country:

|                     |           |
|---------------------|-----------|
| <b>A. AFRICA</b>    |           |
| – Central Africa    | 1         |
| – South Africa      | 14        |
| – Algeria           | 3         |
| – Angola            | 6         |
| – Cameroon          | 1         |
| – Côte d'Ivoire     | 2         |
| – Ethiopia          | 2         |
| – Gabon             | 1         |
| – Guinea            | 1         |
| – Equatorial Guinea | 1         |
| – Kenya             | 2         |
| – Liberia           | 1         |
| – Madagascar        | 1         |
| – Malawi            | 3         |
| – Morocco           | 11        |
| – Mauritania        | 1         |
| – Namibia           | 2         |
| – Rwanda            | 2         |
| – Western Sahara    | 5         |
| – Sierra Leone      | 1         |
| – Somalia           | 2         |
| – Sudan             | 5         |
| – Togo              | 3         |
| – Touareg           | 2         |
| – Tunisia           | 1         |
| – Zaire             | 5         |
| <b>TOTAL</b>        | <b>79</b> |

1. These resolutions have been published in the following Official Journals:

1989: OJ C 233, 256, 291, 304 and 323

1990: OJ C 15, 38, 68, 96, 113, 149, 175, 231, 260, 284, 295 and 324

1991: OJ C 19, 48, 72, 106, 129, 158, 183, 240, 267, 280, 305 and 326

1992: OJ C 13, 39, 67, 94, 125, 150, 176, 241, 284, 305 and 337

1993: OJ C 21, 42, 72, 115, 150, 176, 194 and 255



The European Parliament and human rights

|                                     |           |
|-------------------------------------|-----------|
| <b>B. CENTRAL AMERICA/CARIBBEAN</b> |           |
| — General                           | 2         |
| — Cuba                              | 10        |
| — El Salvador                       | 7         |
| — Guatemal                          | 8         |
| — Haiti                             | 6         |
| — Honduras                          | 2         |
| — Nicaragua                         | 2         |
| — Panama                            | 2         |
| <b>TOTAL</b>                        | <b>39</b> |
| <b>C. LATIN AMERICA</b>             |           |
| — Brazil                            | 5         |
| — Chile                             | 2         |
| — Colombia                          | 3         |
| — Peru                              | 3         |
| <b>TOTAL</b>                        | <b>13</b> |
| <b>D. NORTH AMERICA</b>             |           |
| — Canada                            | 1         |
| — United States                     | 3         |
| <b>TOTAL</b>                        | <b>4</b>  |
| <b>E. ASIA</b>                      |           |
| — General                           | 1         |
| — Bangladesh                        | 1         |
| — Burma (Myanmar)                   | 9         |
| — Boat people                       | 3         |
| — Cambodia                          | 4         |
| — China                             | 8         |
| — North Korea                       | 1         |
| — South Korea                       | 1         |
| — India                             | 8         |
| — Indonesia & East Timor            | 9         |
| — Laos                              | 1         |
| — Malaysia                          | 3         |
| — Philippines                       | 3         |
| — Sri Lanka                         | 2         |
| — Tibet                             | 4         |
| — Thailand                          | 2         |
| — Vietnam                           | 3         |
| <b>TOTAL</b>                        | <b>63</b> |

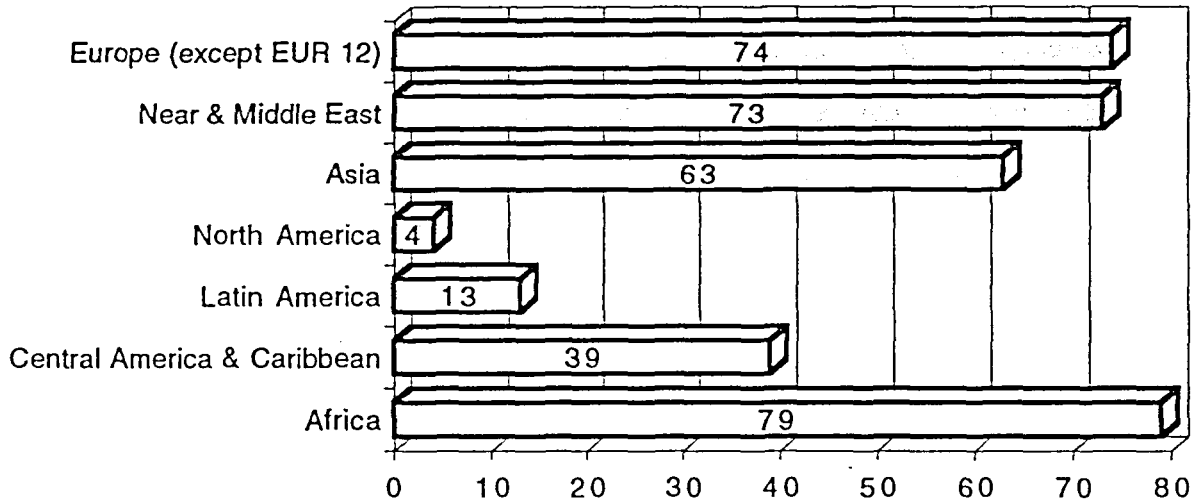
The European Parliament and human rights

| F. NEAR AND MIDDLE EAST       |           |
|-------------------------------|-----------|
| – General                     | 4         |
| – Afghanistan                 | 1         |
| – Saudi Arabia                | 1         |
| – Iraq                        | 9         |
| – Iran                        | 12        |
| – Israel/Occupied Territories | 15        |
| – Kuwait/Gulf Crisis          | 3         |
| – Kurds (Iraq, Iran, Turkey)  | 13        |
| – Lebanon                     | 9         |
| – Pakistan                    | 1         |
| – Syria                       | 4         |
| – Yemen                       | 1         |
| <b>TOTAL</b>                  | <b>73</b> |

| G. EUROPEAN COUNTRIES (non-Community) |           |
|---------------------------------------|-----------|
| – Cyprus                              | 2         |
| – Turkey                              | 7         |
| CENTRAL AND EASTERN EUROPE            |           |
| – Albania                             | 7         |
| – Baltic States                       | 5         |
| – Bulgaria                            | 3         |
| – GDR                                 | 1         |
| – Hungary                             | 11        |
| – Rumania                             | 16        |
| – Soviet Union (- end of 1991)        | 6         |
| – CIS (since beginning of 1992)       | 1         |
| – Armenia/Azerbaijan                  | 5         |
| – Moldavia                            | 1         |
| – (ex) Yugoslavia                     | 29        |
| <b>TOTAL</b>                          | <b>74</b> |

**GRAND TOTAL: 345**

**Resolutions: July 1989-July 1993, breakdown by continent: total 345**



**(3) Parliamentary questions**

During the same period, 819 Parliamentary questions were tabled on issues concerning human rights in the world in the following geopolitical areas:

|                                          |       |
|------------------------------------------|-------|
| — Africa:                                | 217   |
| — Central America/Caribbean:             | 148   |
| — Latin America:                         | 24    |
| — North America:                         | 32    |
| — Asia:                                  | 147   |
| — Near and Middle East:                  | 146   |
| — European countries<br>(non-Community): | 105   |
|                                          | <hr/> |
|                                          | 819   |

**(4) Public hearings**

- public hearing of the Political Affairs Committee on Tibet (April 1990)
- public hearing of the Committee on Foreign Affairs and Security on East Timor (April 1992)
- public hearing of the Committee on Women's Rights on the rape of women in the former Yugoslavia (February 1993)
- public hearing of the Committee on Foreign Affairs, the Subcommittee on Human Rights and the Committee on Development and Cooperation on human rights and foreign policy (June 1993)
- public hearing of the Committee on Foreign Affairs on rehabilitation centres for victims of torture (December 1993)

## II: CIVIL LIBERTIES AND HUMAN RIGHTS IN THE COMMUNITY

July 1989 – July 1993

### (I) Reports

The European Parliament adopted the following reports drawn up on behalf of the Committee on Civil Liberties and Internal Affairs:

- on European immigration policy (Doc. A3-280/92 – resolution: OJ No. C 377, 21.12.1992)
- on the abolition of controls at internal borders and free movement of persons within the European Community (A3-284/92 – resolution: OJ No. C 337, 21.12.1992)
- on the entry into force of the Schengen Agreements (Doc. A3-336/92 – Resolution: OJ No. C 337, 21.12.1992)
- on the harmonization within the European Communities of asylum law and policies (Doc. A3-337/92 – resolution: OJ No. C 337, 21.12.1992)
- on respect for human rights in the European Community (Doc. A3-25/93 – resolution: OJ No. C 115, 26.4.1993)
- on the resurgence of racism and xenophobia in Europe and the danger of right-wing extremist violence (Doc. A3-127/93 – resolution: OJ No. C 150, 21.4.1993)

Furthermore

- the Committee on Legal Affairs and Citizens' Rights adopted a report on a European Charter of Rights of the Child (Doc. A3-172/92 – resolution: OJ No. C 241, 21.9.1992)
- the Committee on Institutional Affairs adopted the report on the regulations and conditions governing the performance of the European Ombudsman's duties (Doc. A3-0298/92 – resolution: OJ No. C 21, 25.1.1993)
- The Committee on Petitions adopted a report on the work of the Committee on Petitions during the parliamentary year 1992/1993 (Doc. A3-0147/93 – resolution: OJ No. C 194, 19.7.1993)
- The Committee on Social Affairs, Employment and the Working Environment adopted a report on combating poverty and social exclusion in the European Community (Doc. A3-226/93 – resolution: OJ No. C 255, 20.9.1993)

**(2) Resolutions:**

Parliament also adopted 37 resolutions on subjects which may be broken down as follows:

- civil liberties and human rights in the Community 11
- combating racism and xenophobia 10
- freedom of movement 7
- asylum and immigration policies 3
- crime, drug-dealing and terrorism 6

37

**(3) Parliamentary questions**

During the same period, 114 parliamentary questions were tabled on issues relating to human rights and civil liberties in the Community and its Member States.

**(4) Committees of Inquiry**

- Committee of Inquiry into the rise of racism and xenophobia (October 1990)<sup>(1)</sup>
- Committee of Inquiry into the spread of organized crime linked to drugs-trafficking (October 1990)

**(5) Public hearings**

These include the following hearings organized by the Committee on Civil Liberties and Internal Affairs:

- hearing of experts on immigration policy (May 1992)
- hearing of senior officials of the Council of Europe (human rights, right of asylum, integration of immigrants) (June 1992)
- hearing on urban crime (April 1993)
- hearing on freedom of expression (September 1993)
- hearing with experts on a code of conduct for the treatment of prisoners (September 1993)

Mention should also be made of the public hearing organized by the Committee on Legal Affairs and Citizens' Rights on accession of the European Community to the European Convention on the Protection of Human Rights and Fundamental Freedoms (June 1993).

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1. Report of the Committee of Inquiry: Doc. A3-195/90; also published as a separate brochure

### **Impact of the European Parliament**

The reports and resolutions on human rights adopted by the European Parliament may have various consequences, e.g.:

- reactions or actions of the governments concerned;
- Commission action within its foreign policy responsibilities;
- statements or measures by European Political Cooperation;
- issues taken up by European Parliament delegations with the joint parliamentary committees (e.g. with the EC-Turkey Joint Parliamentary Committee);
- steps taken by the various interparliamentary delegations by drawing the attention of the people they meet to issues raised in European Parliament resolutions;
- issues taken up by the President of Parliament during meetings with leading figures from the countries concerned;
- resolutions and measures adopted at meetings of the ACP-EEC Joint Assembly. It is important to note the major novelty in the new Lomé Convention as regards human rights. These rights are enshrined in the objectives and principles of ACP-EEC cooperation (Article 5).

The entry into force of the Single European Act (1 July 1987) gave the European Parliament a major new power, namely the assent procedure, which it has used to ensure respect for human rights. Parliament's assent is required for enlargement agreements and association or cooperation agreements and their financial protocols. Parliament has made use of this new power, in particular on three occasions, namely in December 1987, March 1988 and January 1992.

## **ANNEX 2 — MAIN COMMUNITY TEXTS ON HUMAN RIGHTS**

### **DECLARATION OF THE PARIS SUMMIT**

(19 and 20 October 1972) (extract)

(EC Bull. 10-1972)

### **DOCUMENT ON EUROPEAN IDENTITY**

(Copenhagen Summit, 14 December 1973) (extract)

(EC Bull. 12-1973)

### **JOINT DECLARATION ON FUNDAMENTAL RIGHTS**

European Parliament, Council and Commission, 5 April 1977)

(OJ No. C 103, 27.4.1977)

### **DECLARATION ON DEMOCRACY**

(Copenhagen European Council, 8 April 1978)

(EC Bull. 4-1978)

### **SINGLE EUROPEAN ACT<sup>1</sup>**

(February 1986)

(OJ No. L 169, 29.6.87)

### **DECLARATION AGAINST RACISM AND XENOPHOBIA**

(European Parliament, Council, representatives of the Member States meeting within the Council, and Commission, 11 June 1986)

(OJ No. C 176, 14.7.1986)

### **DECLARATION ON HUMAN RIGHTS**

Foreign Ministers meeting in European Political Cooperation, and Council, 21 July 1986)

(EC Bull. 7/8 1986)

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1. Extracts of the Single European Act and the Treaty on European Union relating specifically to human rights are attached.



**DECLARATION ON FUNDAMENTAL RIGHTS AND FREEDOMS**

(European Parliament, 12 April 1989)  
(OJ No. C 120, 16.5.1989)

**RESOLUTION ON COMBATING RACISM AND XENOPHOBIA**

(Council and representatives of the Member States meeting within the Council, 29 May 1990)  
(OJ No. C 157, 27.6.1990).

**DECLARATION ON ANTI-SEMITISM, RACISM AND XENOPHOBIA**

(Dublin European Council, 25 and 26 June 1990)  
(EC Bull. 6-1990)

**DECLARATION ON HUMAN RIGHTS**

(Luxembourg European Council, 28 and 29 June 1991)  
(EC Bull. 6-1991)

**RESOLUTION ON HUMAN RIGHTS, DEMOCRACY AND DEVELOPMENT**

(Council and Member States meeting within the Council, 28 November 1991)  
(EC Bull. 11-1991)

**DECLARATION ON RACISM AND XENOPHOBIA**

(Maastricht European Council, 9 and 10 December 1991)  
(EC Bull. 12-1991)

**TREATY ON EUROPEAN UNION<sup>1</sup>**

(7 February 1992) — Preamble, common provisions and specific provisions on Union citizenship, development cooperation, the common foreign and security policy and cooperation in the fields of justice and internal affairs  
(ISBN 92-824-0960-0)

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1. Extracts of the Single European Act and the Treaty on European Union relating specifically to human rights are attached.

**SINGLE EUROPEAN ACT**

(February 1986)

*HIS MAJESTY THE KING OF THE BELGIANS,  
HER MAJESTY THE QUEEN OF DENMARK,  
THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,  
THE PRESIDENT OF THE HELLENIC REPUBLIC,  
HIS MAJESTY THE KING OF SPAIN,  
THE PRESIDENT OF THE FRENCH REPUBLIC,  
THE PRESIDENT OF IRELAND,  
THE PRESIDENT OF THE ITALIAN REPUBLIC,  
HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,  
HER MAJESTY THE QUEEN OF THE NETHERLANDS,  
THE PRESIDENT OF THE PORTUGUESE REPUBLIC,  
HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND*

MOVED by the will to continue the work undertaken on the basis of the Treaties establishing the European Communities and to transform relations as a whole among their States into a European Union, in accordance with the Solemn Declaration of Stuttgart of 19 June 1983,

RESOLVED to implement this European Union on the basis, firstly, of the Communities operating in accordance with their own rules and, secondly, of European Cooperation among the Signatory States in the sphere of foreign policy and to invest this union with the necessary means of action,

DETERMINED to work together to promote democracy on the basis of the fundamental rights recognized in the constitutions and laws of the Member States, in the Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter, notably freedom, equality and social justice,

CONVINCED that the European idea, the results achieved in the fields of economic integration and political cooperation, and the need for new developments correspond to the wishes of the democratic peoples of Europe, for whom the European Parliament, elected by universal suffrage, is an indispensable means of expression,

AWARE of the responsibility incumbent upon Europe to aim at speaking every increasingly with one voice and to act with consistency and solidarity in order more effectively to protect its common interest and independence, in particular to display the principles of democracy and compliance with the law and with human rights to which they are attached, so that together they may make their own contribution to the preservation of international peace and security in accordance with the undertaking entered into by them within the framework of the United Nations Charter,

DETERMINED to improve the economic and social situation by extending common policies and pursuing new objectives, and to ensure a smoother functioning of the

Communities by enabling the institutions to exercise their powers under conditions most in keeping with Community interests,

WHEREAS at their Conference in Paris from 19 to 21 October 1972 the Heads of State or of Government approved the objective of the progressive realization of Economic and Monetary Union,

HAVING REGARD to the Annex to the conclusions of the Presidency of the European Council in Bremen on 6 and 7 July 1978 and the Resolution of the European Council in Brussels on 5 December 1978 on the introduction of the European Monetary System (EMS) and related questions, and noting that in accordance with that Resolution, the Community and the Central Banks of the Member States have taken a number of measures intended to implement monetary cooperation.

**TREATY ON EUROPEAN UNION**

(7 February 1992)

(EXTRACTS)

*HIS MAJESTY THE KING OF THE BELGIANS,  
HER MAJESTY THE QUEEN OF DENMARK,  
THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,  
THE PRESIDENT OF THE HELLENIC REPUBLIC,  
HIS MAJESTY THE KING OF SPAIN,  
THE PRESIDENT OF THE FRENCH REPUBLIC,  
THE PRESIDENT OF IRELAND,  
THE PRESIDENT OF THE ITALIAN REPUBLIC,  
HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,  
HER MAJESTY THE QUEEN OF THE NETHERLANDS,  
THE PRESIDENT OF THE PORTUGUESE REPUBLIC,  
HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND*

RESOLVED to mark a new stage in the process of European integration undertaken with the establishment of the European Communities,

RECALLING the historic importance of the ending of the division of the European continent and the need to create firm bases for the construction of the future Europe,

CONFIRMING their attachment to the principles of liberty, democracy and respect for human rights and fundamental freedoms and of the rule of law,

DESIRING to deepen the solidarity between their peoples while respecting their history, their culture and their traditions,

DESIRING to enhance further the democratic and efficient functioning of the institutions so as to enable them better to carry out, within a single institutional framework, the tasks entrusted to them,

RESOLVED to achieve the strengthening and the convergence of their economies and to establish an economic and monetary union including, in accordance with the provisions of this Treaty, a single and stable currency,

DETERMINED to promote economic and social progress for their peoples, within the context of the accomplishment of the internal market and of reinforced cohesion and environmental protection, and to implement policies ensuring that advances in economic integration are accompanied by parallel progress in other fields,

RESOLVED to establish a citizenship common to the nationals of their countries,

RESOLVED to implement a common foreign and security policy including the eventual framing of a common defence policy, which might in time lead to a common defence, thereby reinforcing the European identity and its independence in order to promote peace, security and progress in Europe and in the world,

REAFFIRMING their objective to facilitate the free movement of persons while ensuring the safety and security of their peoples, by including provisions on justice and home affairs in this Treaty,

RESOLVED to continue the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as closely as possible to the citizen in accordance with the principle of subsidiarity,

IN VIEW of further steps to be taken in order to advance European integration,

HAVE DECIDED to establish a European Union

## TITLE 1 COMMON PROVISIONS

### ARTICLE B

The Union shall set itself the following objectives:

- to promote economic and social progress which is balanced and sustainable, in particular through the creation of an area without internal frontiers, through the strengthening of economic and social cohesion and through the establishment of economic and monetary union, ultimately including a single currency in accordance with the provisions of this Treaty;
- to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the eventual framing of a common defence policy, which might in time lead to a common defence;
- to strengthen the protection of the rights and interests of the nationals of its Member States through the introduction of a citizenship of the Union;
- to develop close cooperation on justice and home affairs;
- to maintain in full the "acquis communautaire" and build on it with a view to considering, through the procedure referred to in Article N(2), to what extent the policies and forms of cooperation introduced by this Treaty may need to be revised with the aim of ensuring the effectiveness of the mechanisms and the institutions of the Community.

The objectives of the Union shall be achieved as provided in this Treaty and in accordance with the condition and the timetable set out therein while respecting the

principle of subsidiarity as defined in Article 3b of the Treaty establishing the European Community.

*ARTICLE F*

1. The Union shall respect the national identities of its Member States, whose systems of government are founded on the principles of democracy.
2. The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.
3. The Union shall provide itself with the means necessary to attain its objectives and carry through its policies.

PART TWO  
CITIZENSHIP OF THE UNION

*ARTICLE 8*

1. Citizenship of the Union is hereby established.  
Every person holding the nationality of a Member State shall be a citizen of the Union.
2. Citizens of the Union shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby.

*ARTICLE 8a*

1. Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in this Treaty and by the measures adopted to give it effect.
2. The Council may adopt provisions with a view to facilitating the exercise of the rights referred to in paragraph 1; save as otherwise provided in this Treaty, the Council shall act unanimously on a proposal from the Commission after obtaining the assent of the European Parliament.

*ARTICLE 8b*

1. Every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate at municipal elections in the Member State in which he resides, under the same conditions as nationals of that State. This right shall be exercised subject to detailed arrangements

to be adopted before 31 December 1994 by the Council, acting unanimously, on a proposal from the Commission and after consulting the European Parliament; these arrangements may provide for derogations where warranted by problems specific to a Member State.

2. Without prejudice to Article 138(3) and to the provisions adopted for its implementation, every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate in elections to the European Parliament in the Member State in which he resides, under the same conditions as nationals of that State. This right shall be exercised subject to detailed arrangements to be adopted before 31 December 1993 by the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament; these arrangements may provide for derogations where warranted by problems specific to a Member State.

*ARTICLE 8c*

Every citizen of the Union shall, in the territory of a third country in which the Member State of which he is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that State. Before 31 December 1993, Member States shall establish the necessary rules among themselves and start the international negotiations required to secure this protection.

*ARTICLE 8d*

Every citizen of the Union shall have the right to petition the European Parliament in accordance with Article 138d.

Every citizen of the Union may apply to the Ombudsman established in accordance with Article 138e.

*ARTICLE 8e*

The Commission shall report to the European Parliament, to the Council and to the Economic and Social Committee before 31 December 1993 and then every three years on the application of the provisions of this Part. This report shall take account of the development of the Union. On this basis, and without prejudice to the other provisions of this Treaty, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may adopt provisions to strengthen or to add to the rights laid down in this Part, which it shall recommend to the Member States for adoption in accordance with their respective constitutional requirements."

**TITLE XVII**  
Development cooperation

*ARTICLE 130u*

1. Community policy in the sphere of development cooperation, which shall be complementary to the policies pursued by the Member States, shall foster:

- the sustainable economic and social development of the developing countries, and more particularly the most disadvantaged among them;

- the smooth and gradual integration of the developing countries into the world economy;

- the campaign against poverty in the developing countries.

2. Community policy in this area shall contribute to the general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms.

**TITLE V**  
**PROVISIONS ON A COMMON FOREIGN AND SECURITY POLICY**

*ARTICLE J*

A common foreign and security policy is hereby established which shall be governed by the following provisions.

*ARTICLE J.1*

1. The union and its Member States shall define and implement a common foreign and security policy, governed by the provisions of the Title and covering all areas of foreign and security policy.

2. The objectives of the common foreign and security policy shall be:

- to safeguard the common values, fundamental interests and independence of the Union;

- to strengthen the security of the Union and its Member States in all ways;

- to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter;

- to promote international cooperation;



- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.

**TITLE VI  
PROVISIONS ON COOPERATION IN THE FIELDS OF JUSTICE  
AND HOME AFFAIRS**

**ARTICLE K**

Cooperation in the fields of justice and home affairs shall be governed by the following provisions.

**ARTICLE K.1**

For the purposes of achieving the objectives of the Union, in particular the free movement of persons, and without prejudice to the powers of the European Community, Member States shall regard the following areas as matters of common interest:

1. asylum policy;
2. rules governing the crossing by persons of the external borders of the Member States and the exercise of controls thereon;
3. immigration policy and policy regarding nationals of third countries;
  - (a) conditions of entry and movement by nationals of third countries on the territory of Member States;
  - (b) conditions of residence by nationals of third countries on the territory of Member States, including family reunion and access to employment;
  - (c) combating unauthorized immigration, residence and work by nationals of third countries on the territory of Member States;
4. combating drug addiction in so far as this is not covered by 7 to 9;
5. combating fraud on an international scale in so far as this is not covered by 7 to 9;
6. judicial cooperation in civil matters;
7. judicial cooperation in criminal matters;
8. customs cooperation;

9. police cooperation for the purposes of preventing and combating terrorism, unlawful drug trafficking and other serious forms of international crime, including if necessary certain aspects of customs cooperation, in connection with the organization of a Union-wide system for exchanging information within a European Police Office (Europol).

*ARTICLE K.2*

1. The matters referred to in Article K.1 shall be dealt with in compliance with the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 and the Convention relating to the Status of Refugees of 28 July 1951 and having regard to the protection afforded by Member States to persons persecuted on political grounds.

2. This Title shall not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security.

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