Respect for human rights in the European Union in 1995

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In adopting the report by Mrs Claudia ROTH (V, D) on the respect of human rights in the European Union, the European Parliament first called on the IGC to grant the European Union the legal status needed for it to accede to the European Convention on Human Rights and Fundamental Freedoms. In this respect it took the view that fundamental freedoms comprised all rights which ensured the dignity of the individual and that the defence of these freedoms was a never-ending task which should not be corrupted in the name of ideology. It also considered that its role should not involve the same functions as the existing Courts of human rights, but that its purpose should be to highlight and generally make known the various human rights' situations which require remedying within the European Union. Parliament recalled a number of principles such as the right to physical integrity, legal rights, the rights of persons in detention, combating racism and xenophobia, economic and social rights, the right to privacy and freedom from discrimination, the rights of the child and the right to a healthy environment. To this list Parliament added the right to personal health, which should be granted to any person irrespective of his or her situation, sex, race, age or religion, etc. Parliament expressed the hope that the European Union would include human rights clauses, which provided for appropriate sanctions to be imposed, in all agreements concluded with third countries and called on the IGC to include in the Treaty a new Article 6a which would allow the current concept of banning all discrimination on grounds of nationality, race, skin colour, etc., to be extended. In particular, Parliament called on the EU to adopt a European Declaration of fundamental rights which would be incorporated in the Treaty on European Union. Parliament stressed the need for respect of physical integrity, the respect of life and the right to die in dignity. Here it called for a ban on euthanasia towards disabled persons, patients in a persistent coma, handicapped babies and the elderly. It called on Member States to give priority to setting up units for terminally ill patients which allow such persons the opportunity to die in dignity. Strongly condemning the use of force and acts of torture, Parliament urged Member States to take the necessary steps to put a stop to such practices. In the area of religious freedom, while reaffirming the full and complete recognition of this right, Parliament called on Member States not to grant the status of religious organisation systematically to certain 'organisations' and to consider the possibility of debarring sects which are given to clandestine or criminal activities. In the area of fundamental freedoms, Parliament recalled its position in support of conscientious objectors, condemned moves aimed at restricting the freedom of the press and called for the right to set up or belong to a trade union to be granted to employees of governmental organisations. It also called on Greece to guarantee the right of association and assembly which would allow ethnic and religious minorities, and other groups, to hold meetings. It reaffirmed that freedom of expression implied the right to demonstrate publicly and in a peaceful manner. In the area of freedom of movement, Parliament regretted that Article 7a of the Treaty (the right of the individual to freedom of movement entering into force on 1 January 1993) had still not been implemented. This freedom should apply to each person who is legally resident in the territory of the European Union, whatever his or her nationality. The European Parliament called for the Schengen arrangements to be brought under the auspices of the Court of Justice of the European Communities. In respect of legal rights, Parliament called on Member States to carry through the required reform of criminal procedures so as to reinforce victims' rights and means of recourse. As regards the right of persons in detention, Parliament called on Member States not to imprison young minors, except in very special circumstances. It also urged them to recognise that drug addiction was not in itself a crime but a problem to which solutions should be sought by way of treatment and social care. In addition, it called for prisoners suffering from AIDS to be provided with special facilities in prison. It strongly condemned the practice of depriving asylum seekers of their liberty in order to discourage others. Recalling that the right to seek asylum was a universal right under Article 14 of the Universal Declaration of Human Rights and calling for the strict application of the Geneva Convention, Parliament took the view that the visa requirements and the sanctions imposed on road hauliers constituted

a major obstacle to the right of access to the asylum procedure. As regards the Council resolution of 1995 on minimum guarantees for equivalent asylum procedures, Parliament expressed concern that this would allow application of the concept of 'safe third countries', without necessarily ensuring sufficient legal guarantees against the repatriation of persons to countries where they faced the risk of persecution. Believing that the policy of 'zero immigration' would only produce situations involving clandestine activities, Parliament called on Member States to provide, in their legislation, criteria for legal immigration. It took the view that a significant proportion of foreign nationals without identity papers comprised persons who had lost their legal status as a result of restrictive immigration laws. It therefore called for these laws to be amended. As far as the control of racism and xenophobia was concerned, Parliament urged Member States to regard the dissemination of racist messages as a criminal offence and to adopt measures preventing such acts. It also called on Member States to ensure that police officers did not display racist behaviour. Taking the view that poverty and exclusion were unworthy of democratic, prosperous societies, Parliament called for a binding legal instrument to be set up at Community level, in the area of social rights and social security provisions, which would guarantee minimum rights in respect of income, social protection and access to health care and housing. Here it regretted that an increasing number of local authorities in France and in Germany were banning the practice of begging in their districts. Regarding the right to privacy, Parliament called in particular for measures to be taken for the protection of personal data, notably in respect of Community data banks such as the SIS, the EIS and the CIS. As regards the right to non-discrimination, Parliament called in particular on Austria to repeal its anti-homosexual laws and, more specifically, those measures which set the minimum legal age for homosexual relations at 18, while the equivalent age for heterosexual relations was 14. At the same time, it called on Member States to ensure that women were allowed to participate in public life on an effective and equal basis. Stressing that no-one should be victimised for belonging to a national or linguistic minority, Parliament regretted that practically no Member State had implemented the law on ethnic and linguistic groups, as laid down by the Council of Europe. Lastly, Parliament reaffirmed the rights of children, and in particular the right to a good-quality education, the right to be free from physical and mental violence and the right of each individual to live in a healthy environment.