

PARLIAMENTARY CONFERENCE ON HUMAN RIGHTS

Council of Europe — Consultative Assembly

Realizing that, twenty years after the conclusion of the European Convention for the Protection of Human Rights and Fundamental Freedoms, new ideas were emerging and new techniques were being developed, creating situations which until recently had been unforeseeable, the Consultative Assembly of the Council of Europe resolved to convene a Parliamentary Conference on Human Rights. Having no direct legislative powers of its own, it considered it necessary to convene such a conference—which was held in Vienna in October 1971—in order that a confrontation, at parliamentary level, of the views of legislators from Council of Europe member States might allow basic choices to be made in the matter, and thus determine the essential items of an “outline programme” for the years ahead.

It should be pointed out that this was the first time that European parliamentarians, taking as their starting point what had already been achieved under the European Convention on Human Rights of 4 November 1950, had an opportunity to discuss, at a conference specially convened for the purpose, what steps should be taken, both at national and European level, to consolidate what had been achieved so far and to reinforce and develop it by means of a joint short-term and middle-term legislative programme.

There is a close relationship between the ICRC's present work on the reaffirmation and development of international humanitarian law applicable in armed conflicts and the studies on human rights. Indeed, there is a growing tendency to consider that the purpose of international law is to ensure a minimum of safeguards and humane treatment for all men in time of peace as in time of war. This is why the ICRC, when invited to be represented at

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the Conference by an observer, appointed Mr. Antoine Martin, Assistant Head of the Legal Division, to fulfil that function.

The following four themes were submitted to the Conference for study:

- “ What rights should be protected? ”.
- “ Whose rights are to be protected? ”.
- “ How can the existing protection of human rights be strengthened? ”.
- “ How can protection of human rights be prevented from being abused? ”.

Each of the themes was dealt with by a triangular approach: (a) an expert submitted an introductory report defining possible alternatives; (b) a parliamentary rapporteur not a member of the Consultative Assembly set forth the national experience and a political standpoint in the field concerned, so as to permit a survey of the alternatives mentioned in the introductory report; (c) a parliamentary rapporteur who was a member of the Consultative Assembly drew conclusions from the previous two reports and from the discussion, from a European viewpoint.

At the close of the proceedings of the Conference, a short- and middle-term programme of the Council of Europe in the human rights field was established. The programme was divided into four sections: I. Rights to be protected; II. Persons benefiting from human rights; III. System of protection for human rights; IV. Possible abuses in the protection of human rights.

Each of the sections comprises a number of points which, in the opinion of the Conference, should be carefully studied. The following may be mentioned:

- The right to life. When does it begin? When does it end? (Desirability of holding an inter-disciplinary symposium on the subject.)
- The right of asylum (non-expulsion)—Protocol to the Convention on Human Rights.
- Procedural rights: the right of appeal, respect for the *non bis in idem* principle.
- Conscientious objection: the definition of a common position for eventual examination of the question in the United Nations; possibly the drawing up of a European instrument.

- The problem of detainees and particularly of political detainees; the drawing up of an instrument.
- Equality before the law and the principle of non-discrimination in the exercise of human rights.
- Specification of those social categories of persons who, in order to exercise their full rights, should benefit from measures of implementation of human rights suited to their needs (the case of journalists).
- A system for the protection of human rights through the establishment, at national level, of human rights groups and offices in the administration. At international level, consideration of the possibility of having the Commission or the Secretary General play the part of European *Ombudsman*; education in the spirit of human rights, and the teaching of those principles in schools and universities, particularly in Law Faculties.
- An opportunity to draw up a Human Duties Charter.

In a "Declaration on the Protection of Human Rights in Europe", the Conference pointed out, *inter alia*, that the rights whose protection was claimed by Europeans were now more numerous, and in certain respects different; that the means of protection used in the past no longer corresponded in all cases to the needs of the groups and social categories into which the members of the national community were divided, and that it was necessary to take account of those developments for the purposes of national and international legislation, if human rights were not to be isolated from their moral basis, as a result of which the competent organs of the Council of Europe, and in the first place its Consultative Assembly, should prepare a programme for common action on a short-term and medium-term basis. The Conference also considered it necessary that the parliaments of all Member States should have at their disposal procedures permitting them to make sure that the different proposals and bills submitted to them were in conformity with national and international standards of human rights, and that the effectiveness of the Convention should be reinforced by the incorporation of its provisions into the internal law of the Contracting States, in order that the human rights which it guaranteed might be invoked as of right in national courts.