

# report

2nd International Conference of the  
International Helsinki Federation for Human Rights

Vienna, Austria

March 10–11, 1984

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2nd International Conference of the International  
Helsinki Federation for Human Rights  
Vienna, Austria  
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I. REPORT

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Pierre Emmanuel,  
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Jeri Laber,  
U.S. Helsinki Watch  
Committee;

Anton Pelinka,  
Austrian Helsinki  
Committee;

P. van Dijk,  
Helsinki Committee,  
Dutch branch,  
International Commission  
of Jurists.

REPORT ON THE 2nd INTERNATIONAL CONFERENCE OF  
THE INTERNATIONAL HELSINKI FEDERATION FOR  
HUMAN RIGHTS

Citizens from 18 countries in Eastern and Western Europe and North America met on the 10-11th of March in Vienna to take part in the 2nd International Conference of the International Helsinki Federation for Human Rights. The Federation, which was formed at a conference in Bellagio, Italy, in September 1982, is made up of national Helsinki groups in several of the countries that signed the 1975 Helsinki accords and of individuals active in promoting human rights in countries where the formation of Helsinki groups is not possible because of governmental repression. The following countries were represented by Helsinki groups: Austria, The Netherlands, Norway, Sweden, The Federal Republic of Germany and the U.S.A. Also present were participants from: Czechoslovakia, France, Great Britain, Greece, Hungary, Ireland, Poland, Romania, Soviet Union, Spain, Turkey, Yugoslavia.

The deliberations at the Conference focused mainly on the human rights situation in seven signatory countries: the USSR, Yugoslavia, Turkey, Czechoslovakia, Hungary, Romania and Poland. Representatives of these countries described the current status of human rights and the compliance of their governments with their commitments to respect human rights.

They cited cases of violations of human rights and civil liberties, such as religious persecution, refusal of family reunification, censorship, repression of

ethnic minorities and oppression of freedom of the press, speech and artistic expression. In some countries, such as Poland, even lawyers are being persecuted for taking on the thankless and often dangerous task of defending political prisoners or persons charged with political crimes. Now the very definition of political crimes is extremely vague, thus allowing for frequent misinterpretation of the law. Despite harsh conditions, representatives of these countries confirmed the existence of the human rights movement, ranging from peaceful resistance to open confrontation. The importance of citizens Helsinki watch groups was stressed at the conference as a viable alternative to governmental organizations in watching over compliance with the Helsinki accords.

Another major subject of discussion was the possibility of various national Helsinki groups acting in concert to defend human rights. Among many possible forms of cooperation between Helsinki groups, the following activities were discussed: fact-finding missions; gathering and disseminating information to increase public awareness of the human rights issues; compiling reports on pertinent subjects; using public events for promoting goals of the Federation; cooperating closely with national governments; collaborating with international organizations - governmental and non-governmental; working with professional associations and institutions on national and international levels.

Reviewing the CSCE process between the Madrid conference and the conference to be held in Vienna in 1986, participants of the International Conference considered various ways in which the CSCE process could promote human rights. Participants agreed that improvement in the human rights area would lead to improvement in the international political climate as a whole.

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Saturday, March 10, 1984

The Conference was opened by Anton Pelinka, who delivered opening remarks. After welcoming the participants of the Conference to Austrian soil, he expressed the hope that the Vienna office will continue to act as a conference host in the future and stressed that Austria, while being neutral, does not distance itself from issues of international concern, human rights being one of them.

After the participants introduced themselves, Gerald Nagler reported on IHFHR activities. He pointed out that the first Helsinki group in the West (Norwegian Helsinki Committee) was formed in response to an appeal launched by the Moscow Helsinki Committee in 1976. The meeting in Bellagio, Italy, in the fall of 1982 paved the way to the formation of the International Helsinki Federation for Human Rights, as well as for organizing Helsinki groups in countries where they do not yet exist. The purpose of the Federation is:

- promoting compliance by the thirty-five signatory states with the human rights principles laid down in the Helsinki Final Act;
- increasing public awareness of human rights issues;
- coordinating efforts to protect human rights;
- establishing new watch groups;
- gathering and disseminating information related to violations and protection of human rights;

- studying human rights issues and undertaking fact-finding missions;
- assisting victims of human rights violations.

Along with the functions of the International Helsinki Federation, the International Secretariat, established in Vienna in the fall, will perform the following functions:

- coordinate activities and provide services to the member groups;
- assist in establishing new Helsinki groups;
- gather information from and disseminate it to the member groups;
- organize and finance fact-finding missions;
- assist in the publication of reports and provide the press with information.

Gerald Nagler stressed that, due to political considerations, each individual Helsinki group might have to find its own tactics and strategy.

The rest of the day was devoted to an update on human rights violations in selected countries.

Kronid Lubarsky spoke about the situation in the Soviet Union, which he said had considerably worsened. Legal changes in the past three years make appeals virtually impossible, lead to longer prison terms, to retaliation for legal assistance from abroad, thus making any kind of open human rights activities impossible. Even such seemingly innocent activities as supporting political prisoners and their families is now punishable by law. The current economic and foreign relations crisis has frustrated human rights activities in the USSR. The only unofficial movement not persecuted by the authorities is the fascist movement, which is on the rise among some of the younger members of the population. Religious groups are subjected to increasing repression. Concluding his report, Kronid Lubarsky expressed the opinion that the only way to make the Soviet authorities listen is to exert pressure on the international level, through governmental and non-governmental channels, perhaps using trade as a weapon.



The representative from Yugoslavia followed with a report on the human rights situation in Yugoslavia, citing the number of political prisoners to be 516 in 1982, according to unofficial estimates. Sixty per cent of them are serving terms for the so-called hostile propaganda, which is defined so loosely in the penal code that any statement can be considered as such. Vague legal provisions lead to arbitrary arrests. While the law permits a three-day detention without any legal charge, many are unaware of that fact and often out of fear of a longer detention sign false or undesirable statements. There is widespread, tacit official acceptance of harsh prison conditions. Invasion of privacy, such as, for example, recording conversations, is widely practiced by the authorities and subsequently used to exert pressure on people when they have to testify.

The speaker stressed that in his opinion a clear and precise definition of human rights is essential. He suggested that East and West agree first of all on the substance of the term "human rights" and that this would be a significant step forward. In answering questions about nationalistic tendencies in the country, he said that charges brought against nationalists constitute a small percentage of the defendants. He also said that although Yugoslavs are permitted to travel abroad, which might be taken by some people as a sign of a somewhat "free" society, there are no fundamental differences between Yugoslavia and other, more repressive countries of the East block. Touching on freedom of the press, he mentioned, that every year the authorities ban about a hundred western publications, not counting domestic ones, which are considered "hostile" to the regime.

The representative from Turkey drew a very complex picture, emphasizing the fact that the country is only at the initial stage of a political transition to democracy. Although the 1982 constitution was endorsed by 92 % of the population, as the nation-wide referendum showed, the real transition to democracy will take

a long time. A clause in the new constitution about the state of emergency allows the authorities to suspend all rights and privileges. The speaker characterized the November 1983 elections and its results as a very positive sign for the future democratic development of Turkey. One should not forget, however, that a large portion of land is still under military control, that freedom of the press is limited, that leaders of former parties are prevented from holding new party positions for the next ten years. Universities are under centralized control and conditions in prisons, although somewhat improved, are still very brutal. The new constitution does not recognize the Kurdish minority, thus depriving them of any political rights or autonomy. Any attempt to strive towards ethnic identity is immediately regarded as separatist and is punishable by imprisonment. Finishing his report, the speaker noted, that since Turkey has expressed its wish to participate in the Council of Europe, participation should be made contingent upon the human rights situation in Turkey.

Answering a question about torture in Turkey, he pointed out that it is rooted in tradition and in many ways Turkey is a violent society, which is by no means an excuse for torture. He mentioned that the human rights situation could be improved through unilateral pressure, for example by the United States, which should tie its aid programs to human rights issues.

The session continued with Frantisek Janouch reporting on Czechoslovakia. After extending warm greetings from Charta 77, he told the participants that, having been founded in 1977 with 240 members, Charta 77 is now in its eighth year with 2000 members. It has published over 300 reports, documenting judicial abuses, official persecution, police attacks, slander, censorship and other human rights violations. Repressions against the Church continue and worshipers are being continuously detained. Last year the organization produced 40 documents, expressing special concern in the areas of environmental protection, the peace movement and pop music. Pop music has always been a vehicle for dissent, especially among young people. Reports

are compiled within the country, published outside of the country, and then brought back and distributed among the population.

The representative from Hungary spoke of the deep-seated disillusion of Hungarians in human rights progress. The general belief is that it is impossible to break away from Soviet control. The Helsinki accords are considered to be an extension of the Yalta Agreement. Requirements of the Helsinki Final Act are too minimal, creating a certain pessimism among Hungarians. Responding to a question about the events in Poland and their influence on Hungary, the speaker said that it was clear evidence that it is impossible to make fast changes in a political system. It has contributed to the pessimism of Hungarian human rights activists, who were sympathetic to Solidarity.

Sanda Stolojan reported on the dismal economic and social conditions in Romania, which do not seem to get better with time. The political climate is depressing and becoming more and more brutal. A workers movement is unthinkable. Approximately 2000 workers who signed a petition to the Ministry of Labor have disappeared. Strikes are met by threats of wage cuts and dismissals. The Communist Party has complete control over people's lives. All foreign contacts are monitored, religious persecution thrives. Emigration has taken on huge proportions. In the country with a 22 million population, one and a half million are candidates for emigration. Despite the fact that it is the only Warsaw Pact state that does not have Soviet troops on its territory, the situation is quite desperate. The only hope for the human rights movement is outside help. Stolojan added that the United States could exercise a certain pressure on the Romanian government, since Romania enjoys most-favoured-nation status with the U.S.A.

Bronislaw Wildstein representing the Polish Helsinki Committee told the Conference about the hard conditions in which human rights activists in Poland must work. The Polish Helsinki Committee documented 53 deaths since the imposition of martial law, which itself was a rude violation of elementary human rights and international legal standards. Although the official estimate of the number of political prisoners is

250, it is known that political charges have been brought against 30,000 people and 60,000 persons were fined in connection with political activities. Detainees are treated cruelly and their families are terrorized. Forced retirement is very common. During the discussion following his report, Wildstein said that in the short run the Poles are seeking independent institutions; in the long run, though, they are seeking independence for Poland. This could be achieved via two channels: The Polish church and the underground movement. The Polish Catholic church and its leader Cardinal Glemp are very important, since they are able to conduct official negotiations with the government and since they enjoy wide popular support. The underground is also very important because of its uncompromising dedication to the cause of human rights.

Sunday, March 11, 1984

The morning session, chaired by Pieter van Dijk was dedicated to proposals for concerted action in defense of human rights (for more details see Jeri Laber's background paper).

Opening the session, Prof. van Dijk said that it is very important to establish a list of actions and priorities to prevent human rights violations and defend human rights. He stressed that primary attention should be given to those countries in which human rights are grossly and systematically violated. Western democratic countries should not be neglected either, said van Dijk. There are, for example, instances of human rights violations in the Netherlands and attention should be paid to such cases.

Opening the discussion, Jeri Laber presented proposals for concerted action by the member groups. She outlined a seven-point program of possible activities. She also expressed the hope that the International Secretariat would not only play a coordinating role for the national Helsinki groups, but would also eventually become a source of funds for national member groups. In answering a question about the Federation's mandate, she referred to principle seven and basket

three of the Helsinki Final Act. She also stressed that, although concerted actions are very important, national groups should retain their identity and undertake activities at their own initiative.

Talking about fact-finding missions, Jeri Laber mentioned that generally a mission of international composition would be preferable and, further, that missions should be conducted on both private and official levels. It is hard to overestimate the importance of fact-finding missions; in addition to providing first-hand information, they serve as a link to people within a given country and provide human rights activists with moral support.

It was agreed that fact-finding missions to Romania and the USSR be organized and a committee was set up to organize them, with Stolojan, Neier, Nagler and Haraszti to plan the mission to Romania, and Renger, Laber and Alexeyeva to plan the mission to the USSR.

The second point on the list of concerted actions is the gathering, exchange and distribution of information between the member groups and the International Secretariat. It was agreed that various sources of available information must be identified and for that purpose a subcommittee on information and documentation was set up under Pieter van Dijk.

Reports are another way of coordinating actions of Helsinki groups. Laber mentioned various possibilities - they could be produced as country reports or as comparative reports dealing with a particular area in several countries. The US Helsinki Watch Committee is currently working on a report concerning academic freedom in a number of countries. Anton Pelinka, Jeri Laber, Mumtaz Soysal and Arie Bloed agreed to sit on a subcommittee to establish priorities for reports. The following four subjects were mentioned: a report on minorities (a comparative study); a report on academic freedom; a report on asylum policies, and a report on freedom of association.

Various aspects of cooperation between the groups and their national governments were discussed, as well as ways of putting pressure on

governments to pay more attention to the issue of human rights. It was suggested that the U.S. Helsinki Watch Committee let its government know that human rights considerations are tied to economic and political considerations in dealings with other governments. Annemarie Renger suggested that Helsinki groups should also play an educational role in making the contents of the Helsinki Final Act known to the public. It was suggested that the Federation make an official declaration to each of the 35 signatory states asking them to acknowledge the existence of the Federation and to recognize the right of national Helsinki groups to exist and to monitor human rights within their countries.

It was suggested that the Federation participate in the cultural forum in Budapest in 1985, officially or unofficially.

Aryeh Neier suggested that lawyers groups participate in a campaign to protect the rights of lawyers. As an immediate action to be undertaken, he suggested the case of Polish lawyers, who are persecuted for defending persons charged with political crimes.

After lunch, the Federation held a press conference at which Aryeh Neier and Stein-Ivar Aarsaether reported on their trips to Poland and gave their impressions and observations of the human rights situation there. A press-release made available at the press conference announced an immediate action in defense of Polish lawyers.

In the afternoon there was a panel discussion on the CSCE process and its contribution to human rights. Anton Pelinka moderated the discussion, with Arie Bloed and Franz Cede of the Austrian Foreign Ministry as the speakers.

Arie Bloed criticized the final Madrid document for not containing concrete achievements in the field of human rights. The conditions for the experts meetings are very vague. There is, therefore, a danger that East European countries could use this to waste time negotiating about procedural matters, and avoid dealing with the more substantive issues. Arie Bloed suggested that the Federation prepare for the

experts meeting on human rights and basic freedoms in Ottawa in 1985 a definition of human rights and offer a structural procedure for reporting the implementation of human rights provisions nationally. He added that another experts meeting - on human contacts in Bern in 1986 - could and should be used to clarify another vague mandate and that the Federation can play an important role in doing this.

Franz Cede spoke of achievements in the field of human rights reached during the CSCE process, citing family reunification as an example. He found it disappointing that trade union rights did not go beyond prior agreements. Welcoming the International Helsinki Federation, he warned against misuse of the cause of human rights for promoting interests not related to human rights. He expressed satisfaction that, on the whole, Helsinki groups enjoy considerable cooperation with their respective national governments.

One of the negotiators at the Madrid conference, Spencer Oliver - Staff Director of the U.S. Congressional Helsinki Commission (Commission on Security and Cooperation in Europe) also spoke of the vagueness of the final document, due to the need to reach consensus among the 35 signatory states. Stressing that preparations for the Ottawa and Bern experts meetings are under way, he suggested that national Helsinki committees should indicate to their respective governments the issues that should be raised in the course of these consultations.

Closing the conference, Anton Pelinka thanked all the participants and the International Secretariat and wished the International Helsinki Federation and its members further success in the cause of human rights.

The 2nd International Conference of the International Helsinki Federation for Human Rights adjourned.

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Helsinki Federation for Human Rights

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March 10-11, 1984

II. LIST OF PARTICIPANTS



INTERNATIONAL HELSINKI FEDERATION FOR HUMAN RIGHTS (IHFHR)

2nd International Conference Participants

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| AARSAETHER, Stein-Ivar | Chairman of the Board,<br>Norwegian Helsinki Committee, Norway   |
| ALEXEYEVA, Ludmilla    | Founding Member, Moscow Helsinki Committee, USA  |
| BLOED, Arie            | Member, Helsinki Committee of the Dutch Branch<br>of the International Commission of Jurists (NJCM)  |
| BÜRGER, Axel           | Member, German Helsinki Group  |
| CHOJECKI, Miroslaw     | Member, Coordination Committee of Solidarity abroad,<br>Brussels, Paris  |
| DRISCOLL, Dennis       | Professor of Law, Ireland  |
| FILESI, Teresa         | Observer, Asociacion por Derechos Humanos, Spain   |
| FUNNEMARK, Björn       | Norwegian Helsinki Committee, Norway;<br>working for the Polish Helsinki Watch   |
| GJÖTTERUD, Kristoffer  | Board Member, Norwegian Helsinki Committee, Norway   |
| GROLL, Lennart         | Chairman of the Swedish Helsinki Committee,<br>President of the Swedish Section of the International<br>Commission of Jurists, Sweden<br><br>Representative from Hungary |
| JANOUCHEK, Frantisek   | Chairman of the Board, The Charta 77 Foundation,<br>Professor of Physics, Sweden   |
| KENDE, Pierre          | Acting Vice-chairman, Ligue Hongroise pour la<br>Défense des Droits de l'Homme et du Citoyen,<br>Paris, France   |
| GODYAK, Valery         | Independent Peace Group for establishing trust<br>between the peoples of USSR and USA, Moscow, USSR  |
| LABER, Jeri            | Executive Director of the U.S. Helsinki Watch<br>Committee   |
| LABOREY, Annette       | Fondation pour une Entraide Intellectuelle<br>Européenne, Paris, France  |
| LINDBLOM, Lance        | Executive Director, Roderick MacArthur Foundation,<br>USA  |
| LUBARSKI, Cronid       | Journalist, Publisher of the USSR News Brief,<br>USSR/FRG  |
| NAGLER, Gerald         | Business Consultant, Swedish Helsinki Human<br>Rights Committee  |

|                      |   |
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| NEFF, Stephen        | Professor of Law, Great Britain   |
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| OLIVER, Spencer      | Staff Director, U.S. Congressional Helsinki Commission, USA   |
| PELINKA, Anton       | Member, Austrian Helsinki Committee, Austria  |
| POSNER, Michael      | Lawyers' Committee for International Human Rights, USA  |
| RENGER, Annemarie    | Vice-President of the German Parliament, President of the German Helsinki Committee, FRG  |
| ROSENMAYR, Stefan    | Member, Austrian Helsinki Committee, Austria  |
| SOROS, George        | Member, U.S. Helsinki Watch Committee, USA  |
| SPYROMILIOU, Zoe     | Press Officer - Amnesty International, Journalist, Greece   |
| STAMOU, Maria        | Lawyer, Greece  |
| STAREK, Jana         | Executive Director, IHFHR, Member, Austrian Helsinki Committee, Austria   |
| STOLOJAN, Sanda      | Member, League pour la Défense des Droits de l'Homme en Roumanie, Journalist, Paris, France   |
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| VAN DIJK, Pieter     | Chairman, Helsinki Committee of the Dutch Branch of the International Commission of Jurists (NJCM), Chairman, Netherlands Institute of Human Rights |
| WILDSTEIN, Bronislaw | Representative of the Polish Helsinki Watch Committee, France   |
| WITTGENSTEIN, Heinz  | Deputy-Chairman, International Helsinki Federation for Human Rights, Austria  |
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2nd International Conference of the International

Helsinki Federation for Human Rights

Vienna, Austria

March 10-11, 1984

III. PROGRAMME OF THE CONFERENCE



2nd International Conference of the International Helsinki  
Federation for Human Rights

March 10, Saturday

9:00 a.m. Registration of Participants

9:30 Welcoming Remarks and Introduction of Participants:  
Anton Pelinka

10:00 Report on the International Helsinki Federation for  
Human Rights: Gerald Nagler

10:30 Update on Human Rights Violations in Selected Countries:  
Stein-Ivar Aarsaether, chair  
USSR: Kronid Lubarsky  
Yugoslavia: Srdja Popovic  
Turkey: Mumtaz Soysal

1:00 p.m. Lunch

2:15-5:30 p.m. Human Rights Violations (contd.): Lennart Groll, chair  
Czechoslovakia: Frantisek Janouch  
Hungary  
Romania: Sanda Stolojan  
Poland: Bronislaw Wildstein

March 11, Sunday

9:00 a.m. Proposals for Concerted Action in Defense of Human Rights:  
Annemarie Renger, chair.  
Introduction: Jeri Laber  
Speakers: Ludmilla Alexeyeva, Mumtaz Soysal  
Pieter van Dijk, Miroslaw Chojecki

1:00 p.m. Lunch

2:15 ● Presentation of a Publication by the Austrian Helsinki  
Committee on the Final Act of CSCE: Hannes Tretter  
● Report on Other Federation and National Group  
Publications

3:30 From Madrid to Vienna: How can the CSCE Process Promote  
Human Rights?  
Moderator: Anton Pelinka  
Participants: Arie Bloed, Franz Cede

4:30 Conference Adjourns

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#### IV. PRESS RELEASE

**INTERNATIONAL  
HELSINKI  
FEDERATION FOR  
HUMAN RIGHTS**

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A-1090 Vienna, Austria  
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Bankverein 0028-3616/01

March 11, 1984

For immediate release

International Coordinating  
Committee:

Stein Ivar Aarsaether,  
Norwegian Helsinki  
Committee;

Irwin Cotler,  
Canadian Helsinki  
Watch Group;

Pierre Emmanuel,  
Comité Parisien pour  
le Respect de l'Acte  
Finale d'Helsinki;

Jeri Laber,  
U.S. Helsinki Watch  
Committee;

Anton Pelinka,  
Austrian Helsinki  
Committee;

P. van Dijk,  
Helsinki Committee,  
Dutch branch,  
International Commission  
of Jurists.

Citizens from 18 countries in Eastern and Western Europe and North America met this weekend in Vienna to take part in the second conference of the International Helsinki Federation for Human Rights. The Federation, which was formed at a conference in Bellagio, Italy in September 1982, is made up of national Helsinki groups in several of the countries that signed the 1975 Helsinki accords and of individuals active in promoting human rights in countries where the formation of Helsinki groups is not possible because of governmental repression. The purpose of the Federation is to promote compliance with the human rights provisions of the Helsinki accords, to coordinate the activities of national Helsinki groups, and to promote the establishment of national Helsinki groups in countries where they do not now exist.

The deliberations at the conference this weekend focused particularly on the human rights situation in seven signatory countries: the Soviet Union, Yugoslavia, Turkey, Czechoslovakia, Hungary, Romania and Poland. In several of these countries, information presented to the conference indicates a hardening of repression and a worsening of the human rights situation.

The participants in the conference resolved to take a number of concerted actions. The most immediate responds to a new development in Poland: a governmental crackdown on lawyers who defend those charged with political offenses. The IHFHR heard a report on this development from a

representative of the Polish Helsinki Committee. In addition, two representatives of the IHFHR from other countries visited Poland in the last two weeks to look into the human rights situation. They learned that Piotr Andrzejewski, a long-time defense attorney in political cases and the lawyer for members of KOR charged with political crimes, has been suspended from legal practice; that Maciej Bednarkiewicz, lawyer for poet Barbara Sadowska - the mother of Gregorz Przemyski, the 18 year old student who was beaten to death in police custody - has himself been imprisoned; and that Wladyslaw Sila-Nowicki, the senior defense lawyer handling political cases and one of the best known and most widely respected lawyers in Poland, had his apartment subjected to a 12 hour search last week. Sila-Nowicki aroused the antagonism of the Polish authorities by writing a public letter criticizing the imprisonment of Bednarkiewicz.

The International Helsinki Federation resolved to enlist lawyers associations in the countries represented by those attending the conference and elsewhere in an international campaign to defend the rights of lawyers in Poland to defend clients in political cases. We believe that the right to effective legal representation in such cases is an essential way of promoting compliance with Poland's commitment in signing the 1975 Helsinki accords.

Plans for several publications were discussed at the conference. The Austrian Helsinki Committee released a report at the conference on the Helsinki Final acts, as well as follow-up conferences in Belgrade and Madrid. It is the first German language publication of these documents. Foreword to the book was written by Prof. Anton Pelinka.

The IHFHR has recently established its headquarters in Vienna. An office has been opened that maintains close contacts with the various national Helsinki groups. The IHFHR is considering a proposal to hold its next conference in Helsinki in 1985 to mark the tenth anniversary of the signing of the Helsinki accords.

2nd International Conference of the International

Helsinki Federation for Human Rights

V. BACKGROUND PAPERS

CONCERTED ACTIONS IN DEFENSE OF HUMAN RIGHTS

by Jeri Laber

A Background Paper for the 2nd International Conference of the  
International Helsinki Federation for Human Rights

Vienna, March 1984

One of the main reasons for establishing an International Helsinki Federation and for encouraging the formation of national Helsinki groups in signatory countries is to enable national Helsinki committees to work together in their common cause of promoting human rights in the Helsinki countries. Thus, it is appropriate that discussion of joint activities be given major attention at the 2nd International Conference of the IHF. This paper is intended as background for such discussions. It contains some general suggestions of the kinds of actions that might be undertaken in concert and of ways in which such actions might be coordinated. Specific actions dealing with violations in specific countries will be suggested in other papers that are being prepared for the conference.

It is important to note at the outset the need for flexibility and creativity in human rights activities. Many of the most effective human rights actions have been spontaneous, ad hoc reactions to a set of events, rather than

the results of plans long in the making. Each situation is unique. What is successful with one country may not be with another. Tactics that are effective the first time they are used may not work on a later occasion. The political climate in the world or in a particular country may change, requiring new approaches. There are also circumstances in which internationally coordinated efforts may be less effective than separate, loosely coordinated national efforts.

Despite all of the above considerations, however, there are a number of joint activities that members of the IHF might undertake. The following are some areas in which international cooperation is possible.

1. International Human Rights Fact-Finding Missions

Fact-finding missions composed of members of different nationalities should be sent to various Helsinki countries to investigate reports of human rights abuse. In certain instances it may be advisable to choose delegation members who have the same profession (i.e., doctors, lawyers, scientists) and who will meet with their professional colleagues in a particular country and/or investigate violations involving members of their profession.

Fact-finding missions may be official or unofficial, depending on the country to be visited. Official missions can only be sent when government officials in the country to be visited are willing to receive such groups and will allow

the group members to speak openly about their human rights concerns and to meet with relevant government officials, with private citizens and with human rights monitoring groups. Delegations whose members come from neutral countries may have more success in receiving official permission than those whose members are from NATO countries. International delegations composed of prestigious individuals (such as Nobel-Prize-winning scientists or writers) may also receive official hospitality more readily than individuals known mainly for their human rights activism.

In most of the more repressive Helsinki countries, however, human rights missions of any kind are not likely to be officially welcome. In such cases it is necessary to send small, low-profile unofficial missions to meet quietly and unobtrusively with human rights activists and with victims of human rights violations. While the purpose of all fact-finding missions is to gather reliable, up-to-date information about the human rights situation in a particular country, unofficial missions have the additional purpose of providing comfort and support to people who are the victims of human rights abuse. It is impossible to overestimate the importance of such visits from "outside" to those who live in repressive societies: to know that they are not forgotten, that there are others - indeed groups of others - who care about what happens to them and are doing something about it, can often be life-sustaining.



The Executive Committee of the IHF should plan for a specific number of fact-finding missions each year, bearing in mind the importance of follow-up and continuity once such missions take place. The composition of each mission will be determined to some extent by its destination and its specific purposes. The trips should be planned and coordinated by the Vienna office of the IHF. Delegation members should report to the office upon completion of the mission, providing human rights documentation for dissemination, as well as practical information (including the names and addresses of good "contacts" within a country) to be used in planning follow-up trips.

## 2. Gathering Information

In addition to the information acquired by fact-finding missions, each national Helsinki committee has access to information within its own country that may not be available in another country. Such information usually comes from the national press and from reliable emigre networks. Geography seems to have little to do with the accessibility of such information. In New York, for example, we have immediate access to information from the USSR and most of Eastern Europe, but information about human rights problems in Turkey is difficult to obtain at all. Press coverage of events in Turkey is scant, unlike the extensive coverage in Western Europe.

A major function of the IHF Vienna office should be to pinpoint the centers of information on specific countries and to coordinate the gathering of such information for the member groups. As the IHF office expands, it will develop its own archives and collect human rights information in a comprehensive fashion.

### 3. Reports

Information collected by fact-finding missions and through the national committees should be disseminated in reports, including joint reports produced by several national groups and distributed by the Vienna office. Reports with international authorship will have a wider audience and less real or imagined political bias than reports produced and published in one country alone.

The Vienna office should oversee the publication of such reports in a number of ways: by suggesting original reports and soliciting contributions from various countries; by coordinating compatible projects already under way in separate countries; and by receiving and publishing unofficial reports prepared by human rights activists within a repressive country (as it did with the 1983 Report from Hungary). Given the limited resources of the Vienna office, however, some of the production costs and work may have to be carried out by national committees.

#### 4. Publicity and Public Events

Publicity is essential to most human rights activities. It is through publicity that we bring violations to the attention of governments and of the public. It is through publicity that we create the international public opinion that impels democratic governments to speak out and shames repressive governments into modifying their behavior.

Publicity takes many forms, including articles in the press; radio and television interviews and announcements; public statements by prominent individuals; and public events that dramatize human rights concerns. It is obvious that a number of voices speaking out in different countries on the same theme and at the same time will generate more attention than publicity campaigns confined to a single country. To do this, of course, coordination is necessary. Appeals signed by prominent individuals in a number of countries can be circulated by national committees and then coordinated in Vienna. Articles that appear in newspapers in one country can be brought to the press in another country for possible re-publication. Petitions and letter-writing campaigns can also be coordinated on an international level and publicized when appropriate.

Theatrical events that develop public awareness of human rights problems and raise funds can often be staged simultaneously in a number of countries or can be repeated

in another country after an initial success. For example, the new play by Vaclav Havel which was successfully staged by Charta 77 in Stockholm this winter might have possibilities for production elsewhere. The U.S. Helsinki Watch Committee is now preparing an event which will feature a new film about Andrei Sakharov; there is a possibility that the film might also be made available to IHF member groups in Europe.

The Vienna office should be informed in advance of such events, so that it can notify the IHF member groups. National groups might also suggest speakers from their countries to participate in public events in other countries.

#### 5. National Governments

Member groups have varying relationships with their own governments, but most are in a position to exert pressure in one way or another in order to enlist the aid of foreign ministry officials or parliamentarians in human rights causes. Such actions can be coordinated between countries, especially at times when a number of governments are participating in the same international conference and may be in a position to raise human rights issues through quiet (or not so quiet) diplomacy. The IHF has had some practice in this already: member groups have issued joint statements about human rights and brought them to the attention of their own governments' delegations to the Madrid review conference. Such work should continue in the period between the review conferences.

The Vienna office should suggest specific issues that might be brought simultaneously to the attention of various governments by each of the national groups. On occasion, a specific country might be the focus of a coordinated campaign by other countries: if the Austrian government is expecting a state visit from the President of Czechoslovakia, for example, a coordinated campaign of letters and appeals from groups and individuals in other Western countries might put pressure on Austrian leaders to raise specific Czech human rights cases in the course of private conversations.

#### 6. International Governmental Organizations

Specific cases should be brought to the attention of such international bodies as the United Nations Human Rights Commission, the Council of Europe, the Helsinki review conference (when it opens in Vienna in 1986) and the various interim Helsinki meetings, such as the human rights experts meeting scheduled for Ottawa in May 1985; the cultural forum in Budapest in October 1985; and the human contacts meeting in Bern, in April 1986. Such cases will be given more attention if they are presented by all of the national groups that belong to the IHF.

In August 1985, the tenth anniversary of the signing of the Helsinki Final Act will be observed by the signatory governments at some sort of formal ceremony in Helsinki,

Finland. The IHF should plan to have a presence there and to use the occasion to dramatize human rights concerns.

#### 7. International Nongovernmental and Professional Organizations

The IHF should have a presence at meetings of international nongovernmental organizations concerned with human rights and of international professional associations where human rights issues might be raised. Delegates to international professional conferences should be briefed by members of the national Helsinki groups in their own countries and urged to raise certain human rights cases at the international forum in which they will participate. The national Helsinki group in the country that is hosting the conference should alert the IHF to the meeting before it takes place and coordinate human rights efforts by delegates to the meeting, lending professional and moral support.

#### 8. The Peace Movement

The IHF member groups should undertake a coordinated international campaign to enlist the support of members of the Western peace movement in their own countries for the persecuted peace activists who have tried to form independent peace groups in countries such as the USSR, Turkey, Hungary and the German Democratic Republic. In this way the IHF will demonstrate a basic Helsinki principle: that security and

human rights are interdependent and that neither can be achieved at the expense of the other.

#### 9. International IHF Meetings

Large international conferences that bring together delegates from the IHF member groups are important in furthering the exchange of views and information and in bringing potential new groups and members into contact with the organization's members and staff. Such meetings are expensive and time-consuming, however, and thus they occur infrequently.

The IHF should consider a series of smaller committee meetings, which would bring together group members who may not have attended the larger meetings but who share specific interests (i.e., people with the same professional interests or people who are very knowledgeable about a specific country). Such meetings would serve the purpose of exchanging views and coordinating activities and would provide a springboard for planning fact-finding missions. They would also help in integrating members of the various national groups within the IHF. In addition, the small committee meetings would provide a focus for the national groups in recruiting new members (i.e., a group might seek members who are psychiatrists interested in working with an international psychiatric committee of the IHF.)

#### 10. Fund-Raising

Without adequate funds, of course, none of the above activities will be possible. While this subject requires more attention than is possible in this paper, it is worth pointing out that a strong international program, as outlined above, will present an attractive picture when seeking funding on an international basis.

#### 11. The Role of the IHF Vienna Office vis-a-vis the National Groups.

The Vienna office is already serving as liaison between member groups by publishing a periodic newsletter and by organizing the second international IHF conference. Ideally, the Vienna office should also coordinate all international activities and collect and maintain on file comprehensive information about human rights conditions in each of the signatory countries. At this stage in our development, however, it is unreasonable to expect our small, dedicated staff to do this or to be able to coordinate more than a few of the various joint activities outlined above. The national groups must take responsibility in these matters. Each group should learn to think internationally in the course of its human rights activities: "Would this activity be of interest to our affiliates?" "Would they want to join us in this campaign, or to do something similar in their own countries?" "Should we send this article to another country



for republication?" "Shall we put Mr. "X" in touch with our affiliate in the country he is going to visit?" While it is important to keep the Vienna office informed of all activities, each group must also initiate certain cooperative efforts with other groups. In this way, true international cooperation in the cause of promoting human rights will develop and flourish.

INTERNATIONAL HELSINKI FEDERATION FOR HUMAN RIGHTS

SECOND INTERNATIONAL CONFERENCE

Vienna, March 10-11, 1984

HELSINKI GROUPS CONCERTED ACTION IN DEFENSE OF HUMAN RIGHTS:  
WESTERN EUROPE

introduction by P. van Dijk

I. Concerted action in urging their respective Governments

1. To continue and intensify the dialogue with the Governments of the other Participating States with a view toward achieving greater understanding and improved co-operation in the field of human rights (e.g. through bi- and multilateral roundtable meetings of governmental experts as proposed at the Madrid meeting);
2. To take all necessary measures for an effective implementation of the human rights provisions of the Final Act in their own countries as well as for an effective monitoring of and reporting on the implementation;
3. To assist and facilitate the work of non-governmental monitoring groups in their own countries, and promote the existence and freedom of action of such groups in the other Participating States;
4. To take individual and collective action vis-à-vis Governments of Participating States in relation to violations of human rights:
  - (a) under the European Convention of Human Rights (Cf. the complaint by France, the Netherlands and the Scandinavian countries against Turkey under Article 24 of the European Convention);
  - (b) within the framework of the United Nations (e.g. during the sessions of the UN Commission on Human Rights, and in connection with the two International Covenants on Human

Rights);

(c) in the context of the CSCE (e.g. during the follow-up meetings and special expert meetings);

(d) in the form of diplomatic démarches in aid of victims of human rights violations.

## II. Concerted activities by the Helsinki groups themselves

1. Monitoring and reporting on the implementation of the human rights provisions of the Final Act in their own countries and in the other Participating States;
2. Assisting monitoring persons and groups in Eastern European countries;
3. Taking action on behalf of and giving aid to victims of human rights violations in any of the Participating States;
4. Co-operation in the field of data-collection, documentation, information and research.

## III. Institutional arrangements to be made by the Federation with the support of the participating Helsinki groups and, if possible, their Governments

1. Establishment of a standing committee for the contacts with the Governments;
2. Establishment of a fund for legal and material aid to victims of human rights violations;
3. Establishment of a center for documentation and information at the secretariat of the Federation (research may require some co-ordination between the groups).

CONCERTED ACTIONS TO DEFEND HUMAN RIGHTS

IN THE USSR

By Ludmilla Alexeyeva

A Background Paper for the Second International Conference  
of the International Helsinki Federation for Human Rights

Vienna, March 1984

The Helsinki movement began with the founding of the Moscow Helsinki Group. The activity of this group consisted of appeals about human rights violations in the USSR to public opinion and to the governments that signed the Helsinki Final Act. We proceeded from the assumption that the human rights listed in the humanitarian articles of the Final Act are a minimum for any country that signed the Final Act.

Helsinki groups in the Western countries were so named because they followed the example of the Moscow Helsinki Group. For that reason, I think, Helsinki groups have to differ from other human rights associations in focusing their efforts primarily on implementation of the humanitarian obligations of the Final Act in the countries that signed this document.

First of all, Helsinki groups have to be concerned about the human rights situation in the countries where it is the worst; the Soviet Union is among these. The Soviet Union's

most egregious violation of the Final Act is its reprisals against Helsinki monitors. Obviously, if Helsinki monitoring is cause for imprisonment in the USSR and the Helsinki monitoring groups cannot function, implementation of the Final Act cannot be a question for serious discussion. For that reason, the first task of the Helsinki groups with respect to the Soviet Union is to obtain the release of their Soviet colleagues. But how can this be done under today's conditions, when forms of pressure from the West that had helped during the period of detente don't work now?

The only answer to this dilemma is to intensify the pressure. The best way to intensify pressure is to coordinate all efforts on behalf of human rights in the Helsinki countries. We have some experience on that score for example, the pressure on the Soviet leadership in connection with Andrei Sakharov's hunger strike at the end of 1981 on behalf of a visa for his step daughter-in-law, Liza Alexeyeva. Almost all of the Western governments appealed to Soviet leaders at that time -- and the Soviets yielded. Of course the extreme situation created by the Sakharovs' hunger strike made it easier to organize simultaneous efforts. But the task is to organize the same pressure without such extreme activities by human rights activists.

At this very moment, Sakharov's wife, Elena Bonner, needs immediate support. She is a founding member of the Moscow Helsinki Group. It is a question of whether Mrs.

Sakharov will live or die, and, consequently, of whether the Academician Sakharov will live or die. I suggest that we begin our joint efforts with this case. In the process of organizing joint pressure on the Soviet leadership on behalf of Elena Bonner, we will discover the opportunities we have and next time we will improve these efforts and will find new opportunities. Perhaps the best way to begin this action is to find out what actions were taken in each country in connection with the Sakharovs' hunger strike and then try to repeat the same actions, in addition to finding new points of pressure on the Soviet leaders. The Sakharovs' difficulties are not limited to Mrs. Sakharov's health problems -- the final goal is to get them both out of exile in Gorky to the West.

We have the same responsibility for Dr. Yury Orlov, the initiator and organizer of the Moscow Helsinki Group. In addition, there are about 50 Helsinki monitors in prisons, camps, and internal exile. Among them are women, including Oksana Meshko, who is 75 years old, and Malva Landa, who is 65. Several people are seriously ill. All of them need constant attention to their problems. This takes a lot of work and constant activity. I suggest that a full-time person be hired on the staff of the International Helsinki Federation whose job would be to coordinate defense of the Helsinki monitors. All of us would then have to help this person to have some success in this difficult task.

Of course the imprisonment of Helsinki monitors is not the only human rights problem in the Soviet Union. An ominous symptom of the deterioration in human rights is the new legislation concerning the prolongation of imprisonment for political prisoners; the punishment for persons who give information to foreigners; and additional prison terms for those who engage in "anti-Soviet agitation and propaganda" and accept donations from organizations abroad. These laws could have a very destructive effect. The latter two are aimed at destroying any links between Soviet citizens and citizens of any other country, including the Soviet Union's partners in the Helsinki agreement.

I propose the following countermeasure to the new legislation: to call an international meeting of lawyers from the Helsinki countries (and invite lawyers from the Soviet Union as well) to discuss the correlation between internal laws and the international obligations of the Helsinki countries. The conclusions of this meeting would be a basis for direct pressure on the Soviet government, and pressure through the governments of other Helsinki countries, to have these laws repealed. There is a precedent for this, a case in which well-organized pressure from the West stopped the implementation of a law in the Soviet Union - the law on the payment of an education tax for prospective emigrants to

Israel, which was passed at the beginning of 1972 but has not been implemented to this day. This is one example of how pressure on the Soviet government can be effective, if both public and governmental actions take place simultaneously in many different countries.

In conclusion, I would like to support the idea of meeting in Helsinki on the 10th anniversary of the signing of the Helsinki agreements. I hope that at that meeting we will be able to report not only about the Soviet Union's violations of the Final Act, but about our own successes in preventing such violations through coordinated actions.



## HUMAN RIGHTS AND EAST-WEST RELATIONS

By George Konrad

### A Background Paper for the Second International Conference of the International Helsinki Federation for Human Rights

The cause of human rights in Eastern Europe has not benefited from the new Cold War and the incorporation of the human rights issue into the context of the Cold War.

One can only regret that violations of human rights in Eastern Europe have become occasions for moral triumphs on the part of American delegates at international forums, creating the impression that the culture of human rights has been deliberately degraded into a propaganda instrument in the superpower contest.

The more that individuals and groups in the Soviet area are championed by the American administration, the more likely they are to be forced into a marginal position and the more isolated they become. Not infrequently, the last stage of the process is prison or emigration.

The fact that the American administration tolerates in Turkey or El Salvador the same practices that it condemns in Poland or Nicaragua puts this kind of patronage in a particularly ironic light.

The defense of human rights is the business of civil society, not the business of governments.

It is impossible in principle for a government to judge rights violations by its allies in the same way it judges violations by its adversaries.

It is possible, however, for democratic public opinion to judge them by uniform standards.

The cause of human rights is far too vital a matter everywhere in the world to be left to the mercy of the ephemeral strategic notions of individual governments with their particular interests.

It is natural that intellectuals, who cannot abandon the exercise of free thinking, should oppose censorship whether it appears in communist or anticommunist form. The worldwide defense of human rights is a new ideology that lies outside the conceptual framework of communism versus anticommunism, of East-West military rivalry and the confrontation of great power blocs. Not that it is extraneous to them: the worldwide spread of the culture of human rights is an inimical process from the standpoint of the great power confrontation.

Anyone who wishes to vindicate one bloc against the other is immediately faced with a problem: in human rights matters, he must display a hypocritical moral partiality.

We have our choice between bloc loyalty and the cause of human rights, which we can declare to be our fundamental concern.

The cause of human rights and the defense of the individual against force and violence have to be demilitarized.

We see that the international intellectual community has the greatest stake in defending personal freedom against autocratic regimes.

It is a good thing for the press to concern itself often with human rights and for scholars to take up the subject too.

The relations of political authority and civil society vary so greatly from country to country that it is no exaggeration to say that the status of human rights is more or less unique in each society. The citizenry bears some responsibility for the degree of success with which they are able to vindicate their rights; where there are few freedoms, the people themselves do not very much want freedom. If the autonomy of the citizen is somewhat greater in Poland or Hungary, for example, that is as much as to say that Poles and Hungarians are relatively independent people. It takes two to have repression and two to have tolerance. A slow civilizing process is leading toward respect for the personality.

It is impossible to inspire a desire for human rights and a culture of human rights in another society's middle class and ruling elite by means of international political pressure of the kind that is inseparable from the arms race. It is possible, however, to proclaim the solidarity of international public opinion with those who want more freedom in their own countries. Writers find their natural allies not in government spokesmen, but in other writers, societies in other societies, individuals in other individuals.

It would help most of all if international intellectual opinion would make human rights a topic of free discussion in all its aspects, popularizing the subject, arousing interest, and making available detailed information and coherent judgments so as to spread it.

It would be a mistake to narrow the movement for defense of human rights to practical, technical questions. Many movements that deserved better have come to naught because of a mistaken pragmatism that avoided fundamental questions.

There ought to be a periodical that would examine human rights in every corner of the world, around whose editorial board an intellectual community grounded in common interests could form; it would record all relevant documentation and would function as an information service for all who are

interested, and around it East-West dialogue groups would grow up with a personal commitment to supporting those who have gotten into trouble.

Detente came to grief because it was based on the exchange of views between governments rather than between citizens and societies.

If there is a new detente, it will be an affair of Europeans who want to talk with one another and reach agreement on basic principles of European peace and personal freedom. The way for a new detente between governments would be prepared by a new entente among ideas. Given the prevailing conservatism in East-West relations, it seems increasingly likely that Europe will see a new political opening only if the cause of human rights is linked with the movements for peace and for democratic civil liberties, if the Western European peace movement enters into a substantive dialogue with the Eastern European democratic movement, and if a new European solidarity takes the initiative in Europe away from the two superpowers. We must try to insure ourselves against the risk of dying by violence and the risk of being silenced by violence, for in our lives these two evils go together, since the militarization of

politics and the tightening of the censorship go together.

The closer we come to the unification of Europe, the better it will be for the cause of human rights in the eastern part of Europe. The more hostile the relationship between the two Europes and the more they are subordinated to the superpower arms race, the more powerful will power be and the more helpless the citizen will be. After the Helsinki Conference the time will perhaps come, sooner or later, for a Conference of Vienna that will lay the groundwork for a democratic peace in Europe. The self-determination of nations and the self-determination of individuals are complimentary processes; each presupposes the other. If there is a new peaceful order in Europe, there will be less trouble over human rights; until then, there will continue to be a great deal of trouble.

New York, March 1984

## HUMAN RIGHTS SITUATION IN ROMANIA.

by Sanda Stolojan

A Background Paper for the Second International Conference

of the International Helsinki Federation for Human Rights

Vienna, March 1984

Human Rights in Romania must be considered within the context of the domestic situation in this country. The year 1983 was marked by a dramatic deterioration of the internal situation, of living conditions in the first place. Faced with the crisis and having to repay a huge debt for the unproductive industrialization which the Romanian State has embarked upon without regard for its human or economic costs, the authorities have imposed harsh conditions on the people. Food commodities are exported against hard currency, while the Romanian population has been subjected to the worse food shortage since the fifties. Queues in front of empty shops, ration cards for oil, flour, sugar, bread were reintroduced and restrictions of all sorts have been the usual lot during this winter. Moreover, drastic energy cuts have been imposed 14 to 15 degrees centigrade in houses, electric bulbs not exceeding 40W., cold offices where clerks work with their coats on, dark streets, - controls and fines are enforced against offenders.

While the situation has been deteriorating, the regime has tightened its grip on the population. It is in this context of shortages and miserable living conditions that the authorities have launched a series of far-reaching reforms, which have a deep impact on people's lives. I refer to the new workers' Statute, the system recently come into force, called the "Global Agreement". The whole population in Romania lives at the present time under the impact of the generalized Global Agreement. This means that every single person, every worker in factories, in the collective farms or in the offices, from top to bottom, everyone is concerned by the new legislation. It is a very complex, very intricate and rather obscure network of laws and decrees, which end up in a tangible and disquieting result - the disappearance of fixed guaranteed wages, minimum or basic salaries. From now on, workers are paid according to the output or yield, depending on the economic results of the enterprise, in other terms according to the fulfilment of the plan - plan upon which they have no influence, of course. The global agreement introduces in fact a new type of relation between the salaried person and the firm, under which the status of wage-earner or of salary-earner is replaced by that of "associated" worker. The workers are associates to whom one guarantees nothing. On the other hand one obliges them to take the responsibilities and all the risks and to commit themselves totally. Their engagement is symbolized by the oath they must take. This oath was taken in January last by some seven or eight million people. In reality the new system links the worker's fate even more tightly to the arbitrary authority of the Party-State.

Another series of decrees, just as radical, concern the so-called individual plots of land. Romania is a country where all land is state owned. However, up to now, people were allowed to plant what they liked on the plots, meaning a garden or a yard, to feed

themselves or to sell at the peasant market. From this year onwards, plots must become "profitable" (the word is "rentabil"). Plots must supply the State with so many eggs, hens, vegetables etc. imposed on them, otherwise the plot shall be cultivated by the collective farm.

These measures have been taken by oukaze, from the top, without any consideration of the workers who are supposed to be represented by the official trade-unions. These by the way are symbolically lodged in the same building as the ministry of labour and up to not so long ago, they were headed by the same person, by the minister of labour himself. Silence is kept about the reaction of workers to the Global Agreement. A free action by the workers is inconceivable in Romania. This is illustrated by the suppression of the SLOMR (Free Trade Union) in 1979. Nevertheless even under these difficult conditions, there are proofsof local movements of deep discontent. We are informed that at least 60 work stops occurred at various points since the Global Agreement. Real strikes took place recently at the "23 August" factory in Bucarest, in Brasov and at the uranium mines of Bocs, Maramures. The Romanian authorities' method to face such situations is in each case by promising improvement and at the same time by increasing police controls, threatening with wage cuts and immediate dismissals (there are recent examples to prove this).

Another series of measures were taken in the area of ideology after a meeting between the head of the State and his ideological staff last August at Mangalia on the Black Sea. Under the pretext of the crisis and in the name of order and party discipline, the apparatchiks were told to reinforce their vigilance. At present, the party controls the citizens to an extent which is hardly imaginable. From the point of view of freedom of expression, Romania today is a tight-shut country, where every spoken or written word, contacts with foreigners, mail, phone-calls, (typewriters have to be registered) are controlled through a formidable network of agents and persons spying for the account of the State. No cultural association is allowed. Court proceedings are secret. There is an increasing pessimism and even despair among the population. Intellectuals speak of a cultural disaster. Isolated voices have risen to denounce the situation, such as the poet Tudoran, to speak only about the latest case. They say (usually between four eyes) that they are deeply alarmed at the moral deterioration; they feel Romania is about to lose its status of European country, because of backward, primitive and obscurantist cultural policies. The cultural apparatchiks encourage a degraded, folklorik, amateurish mass-culture embodied in the famous festival called: "Singing Romania", a kind of continuous show which is supposed to be the right culture for the people. The real values of cultural freedom are considered as "non-profitable" by the ideological authorities. In the past years, cultural institutions like the Institute of mathematics, of chemistry and of history were closed. Today a new sort of socialist realism is encouraged. By refusing the necessary liberty to art creations, one can suspect that in fact the regime is practising a deliberate anti-cultural policy. A Romanian intellectual, attached to his country and who has chosen to live in Romania, told us last autumn "in the total disaster created by the lack of liberty of the mind, the only ones who survive are a few individuals, lonely men, with their lost capacities.



In matters of religious freedom, the campaign against religion has increased, especially among the young. The main targets in terms of persecution are the neo-protestants and orthodox priests who preach outside mass or criticize the orthodox hierarchy. The State exerts strict control over religious activities religious education is prohibited, no free preaching is tolerated, religious literature is as good as inexistant. The problems of persons prosecuted for having distributed Bibles is coming up regularly. Meetings, religious circles are formally prohibited. It is interesting to note that the argument for these prohibitions is the liberty of conscience. The most glaring case of religious violation remains the case of Father Gh. Calciu, the orthodox priest sentenced in 1979 to ten years of prison for having preached openly in his church and expressed open criticism of the official atheism.

It is in this context of increased control over the citizens' lives and minds that the problem of Human rights in Romania must be considered. In 1983-1984, while Romania was signing the final documents of the Madrid Conference, not only did she not change her domestic policy, but on the contrary her methods became harsher and at the same time more subtle, more cynical. The authorities are silent when questioned about Father Calciu, inspite of many campaigns and interventions by the League, Amnesty International and other committees who have called for his liberation. No answer has been given to enquiries about other prisoners of opinion, like the members of the SLOMR, the miners who disappeared after the strikes of the Jiu Valley (1977) no news from the free union worker Vasile Paraschiv who was arrested several times, then put in a psychiatric hospital, released and who disappeared again. Total silence is kept about the cases of misuse of psychiatric confinement in hospitals. The League had a list of such cases with evidence sent by the families. A motion was unanimously voted by the Congress of the International Federation of Human Rights in Montreal, May 1982, asking Romania to put an end to these inadmissible practices.

The conditions prevailing in Romania explain why so many citizens want to leave the country. Emigration has taken on huge proportions, especially after Helsinki, when people discovered that they could claim the right to free circulation. For the first time in their history, Romanians are emigrating in large numbers. To ask for a passport is the only individual action carried on a big scale by Romanians, the only one which the authorities have not been able to stop. One estimates that out of a population of 22 million, there are one and a half million people who wish to leave. No doubt that this poses a problem to the regime. In spite of their engagement at Helsinki, the government tries by all means to dissuade people from leaving, by applying a wide range of methods. Would-be emigrants are considered by the government as traitors. Tactics consist in making you wait, and come back and never know when and where you are going to get an answer. To make you fear that you are going to lose your job, or your house, or part of your pay if you register for a passport. In some cases, brutal methods are applied, like beating, arresting and fines. In 1983 there has been a noticeable reduction in the number of departures. The education tax has no longer been applied as far as we know. Has this law been cancelled? That is not sure. It is one of those numerous secrets which surround the exercise of Human rights in Romania.

The present cases known to the League concern the usual lot of family reunifications, cases of religious persecution, lists of people waiting for years their right to leave Romania, prisoners of opinion and persons who disappeared at the frontier. Of course the cases signalled to the League are only the top of the iceberg. To be able to make a situation known abroad, means you have friends or parents abroad, or you have taken the great risk of sending a message through somebody who is leaving Romania. It is through individual initiatives and personal risks that people manage to leave. And it is also through the channel of messages from man to man that truth is known. I should like to mention here the latest letters sent by Romanian workers hired by the Romanian state to work in third countries like for instance Irak, Libya, Marocco and countries in Black Africa, who describe their lives and the way they are treated by their home authorities. In a letter, recently published by the periodical l'Alternative, a university teacher speaks about the terror exerted on culture and about her disarray as a teacher. Or the messages sent by anonymous people, some of them close to the party, who denounce the situation and confess their powerlessness in facing the police. I should like to stress the vital importance of any action related to Human Rights in Romania, Human Rights which are written down in the constitution and in the Helsinki Accord. This means that the only actions which are able to pass through the wall of silence, are those actions supported by the Free World. As an example of such actions, I should like to mention the help of Amnesty International, of Radio Free Europe and of the HELSINKI WATCH COMMITTEE REPORT of 1983, which certainly has contributed to the non-application of the education tax on emigration.

In conclusion, let us suggest what we think would be the most urgent actions :

1. renewed requests for the liberation of Father Calciu, through direct contacts with the Romanian authorities and through campaigns of information in all the countries represented here and by proclaiming Father Calciu the "forgotten man of the year" by the Helsinki Watch Committee.
2. The Romanian government should be reminded that at Madrid in September 1983, they have once more committed themselves to granting Human rights to their citizens (free trade-unions, religious freedom, free flow of people and ideas).
3. pressure should be exerted on the Romanian government at all levels, whenever negotiations take place at IMF or at bilateral governmental levels in order to ensure that : credits to Romania should be conditioned by improved living conditions inside Romania not only by an increased quota of emigrants. Indeed, it is felt more and more that emigration is not the solution to the survival of the Romanian people.

## Human Rights in the Final Document of the Madrid Conference<sup>1</sup>

by A. Bloed

1) This article is a revised version of an article in Dutch by A. Bloed and P. de Wouters d'Oplinter in: NJCM-Bulletin, 1983, no. 4. The author, who is a lecturer at the Europa Institute of the University of Utrecht, is editing a book on Madrid and Human Rights, to be published in the spring of 1984.

### Introduction

In a grim atmosphere the Madrid Conference on Security and Cooperation in Europe (CSCE) was finally concluded on September 9, 1983, by the signing of an extensive concluding document by the Ministers for Foreign Affairs of the 35 participating States (all European States except Albania, and Canada, and the USA). The ceremonial final meeting was overshadowed by the shooting down of a South Korean civil aircraft with 269 persons by Soviet fighters, when it was flying over Soviet territory. Although many CSCE States highly resented this incident, it nevertheless did not block the conclusion of the meeting.

The signing of the substantial concluding document only came after three years of laborious negotiations. As early as December 1981 a successful termination of the conference appeared to be within reach, when the group of neutral and non-aligned countries filed a substantial draft final declaration. In this declaration an attempt had been made to work out a compromise acceptable to all the parties, in which a balance was sought between security problems (specifically a mandate for a European conference on confidence-building and security measures), on the one hand, and human rights problems, on the other

hand. Although this document was not really expected to be welcomed enthusiastically, the chances of its eventual acceptance appeared considerable.

However, this prospect was drastically disturbed when, about simultaneously with the filing of the draft final declaration, martial law was proclaimed in Poland, amidst numerous violations of human rights. This led the Western countries to propose in 1982 a great many radical amendments to the draft final document, *inter alia* in the field of trade-union freedom. In March 1983 eight neutral and non-aligned countries filed a revised draft final document, which was intended as a last attempt to break through the deadlock between East and West.

Although on some points this revised draft final document took into account the Western amendments, on the whole the Western countries were not very satisfied with the degree to which this had been done. After prolonged consultations within the group of NATO countries, agreement was reached on the filing of a more limited package of proposals for amendment of the draft final document. These proposals concerned, *inter alia*, the convocation of a meeting of experts about human contacts, the inclusion of a provision containing a prohibition of jamming, and the introduction of clarifications in the mandate for a conference of human rights experts.<sup>2</sup>

These proposals for amendment met with vehement opposition on the part of the East European countries, for which the revised draft final document of

2) CSCE Digest (Washington) of May 17, 1983, p. 2.

March 1983 was actually acceptable, though with great difficulty. However, in July 1983<sup>3</sup> the Warsaw Pact countries, rather unexpectedly, accepted a Spanish compromise, the most notable feature of which was the dropping of the Western proposal on the prohibition of jamming. After some hesitation the other CSCE States also agreed to the Spanish "formula", which opened the way to the successful conclusion of the Madrid conference. Only Malta still threatened to prevent consensus by insisting on its demand for the convening of a conference on security problems in the Mediterranean, until at the last moment a weak compromise could be reached. Thus, unlike the first CSCE follow-up conference in Belgrade in 1977/78 and despite the strained East-West relations, the Madrid conference ended with some concrete results.

The concluding document contains a large number of reconfirmations of and additions to the 1975 Final Act of Helsinki concerning political inter-state relations, cooperation in the field of economics, science, technology and environment, and cooperation in humanitarian and other fields. Below some aspects of the concluding document concerning human rights and humanitarian problems will be discussed.

### Paper commitments?

First of all, attention should be paid to a preliminary question, namely the sense or non-sense of concluding any agreements on human rights between West

3) Rumania accepted some Western amendments already on June 3, 1983.

and East. This is necessary, since one of the frequently heard general criticisms on the Madrid document is that the human rights and humanitarian provisions of the final document of Madrid are and, probably, will remain mere commitments on paper. Although, of course, there is no certainty at all that these undertakings will be effectively fulfilled, the importance of such agreements must not be underestimated either. In case of violations of the obligations by one or more States, the other CSCE countries have the formal right to expose violations, a possibility which would evoke a good many more legal and political problems than if no agreements had been made. In addition it should be borne in mind that a State does not like to be put in the dock, and as a rule will do its utmost to fulfil its obligations, even if in the opinion of the other States this is not sufficient. If no obligations at all are accepted, the situation will obviously be quite different. This is not altered by the fact that all agreements, and certainly those on human rights, between East and West have the character of a compromise.

### Relation to Final Act of Helsinki

Another important preliminary question concerns the interpretation of the concluding document: the latter is not an independent document, since it must always be interpreted in connection with the Final Act of Helsinki -- the basis for the CSCE. Particularly the following provision from the Final Act is of great significance:

*"In exercising their sovereign rights, including the right to determine their laws*

and regulations, they will conform with their legal obligations under international law".<sup>4</sup>

### Condemnation of violations

Now, turning to the contents of the concluding document of Madrid, we have to note that the frequent condemnations at Madrid of human rights violations in (mainly) East European countries are reflected only implicitly in the document. It states that during the exchange of views, different and at times contradictory opinions were expressed as to the degree of implementation of the Final Act reached so far by participating States. While certain progress was noted, concern was expressed about the serious deficiencies in the implementation of this document. Moreover, "it was considered that the numerous possibilities offered by the Final Act had not been sufficiently utilized".

On the other hand it may be stated that the significance of human rights is once more emphasized very strongly as an "essential factor for peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among themselves, as among all States". Moreover, the 35 States "stress their determination to promote and encourage the effective exercise of human rights and fundamental freedoms, all of which derive from the inherent dignity of the human person and are essential for his free and full development, and to assure constant and tangible progress in accordance with the Final Act, aiming at further and steady

development in this field in all participating States, irrespective of their political, economic and social systems".

Besides, slight progress may be observed as regards the possibility to bring up human rights in the East-West relations. Slight progress indeed, because the relevant provision about bilateral round-table meetings between the CSCE countries on human rights matters is formulated very cautiously, *inter alia* because those meetings can be held only "on a voluntary basis" and "in accordance with an agreed agenda in a spirit of mutual respect". Nevertheless, it is becoming more difficult for the East European countries to withdraw behind the traditional "non-intervention" barriers when the West wants to bring up the human rights situation in an East European country. In fact, under this provision the West got at least the formal right to propose such meetings and the topics to be discussed there.

### Freedom of trade union

Some new elements in the field of human rights and humanitarian problems, introduced by the concluding document, concern trade-union freedom and free access to embassies and consulates. In connection with the situation in Poland, especially the provision on trade-union activities is of great political importance. This provision reads as follows: "The participating States will ensure the right of workers freely to establish and join trade unions, the right of trade unions freely to exercise their activities and other rights as laid down in relevant international instruments. They note that these rights will be exercised in com-

pliance with the law of the State and in conformity with the State's obligations under international law. They will encourage, as appropriate, direct contacts and communication among such trade unions and their representatives".

This provision has been criticized sometimes on account of the passage "in compliance with the law of the State", which is then interpreted to mean that the State will thus have its hands entirely free. That this is decidedly not the case appears already from a careful reading of the quoted provision. Even though there is no explicit reference to relevant Conventions of the International Labour Organisation, it is clear that they form part of the "international instruments" and "obligations under international law", referred to in the text.

### Access to embassies

Free access to embassies and to consulates has also been included as a new element in the Madrid concluding document: "The participating States reaffirm their commitment fully to implement the provisions regarding diplomatic and other official missions and consular posts of other participating States contained in relevant multilateral or bilateral conventions, and to facilitate the normal functioning of those missions. Access by visitors to these missions will be assured with due regard to the necessary requirements of security of these missions".

Those who have ever visited Western embassies in Moscow, which are hermetically sealed from the outer world by the police, will realize what important consequences such a provision might

have: the USSR can hardly justify the present situation around embassies with a mere reference to *necessary* requirements of security.

### Human contacts

In other fields the final document contains some improvements to agreements already laid down in the Final Act of Helsinki. There are, for instance, some relaxations in it as regards the procedures for family reunification and marriages between citizens of different States. Thus the time within which applications for family reunification have to be dealt with by the authorities, is now at most six months. Another addition concerns the provision already occurring in the Final Act, to the effect that the presentation of an application concerning family reunification will not modify the rights and obligations of the applicant or of members of his family. In the Madrid final document those rights and obligations are defined in more concrete terms: "rights and obligations (...) concerning *inter alia* employment, housing, residence, status, family support, access to social, economic or educational benefits, as well as any other rights and obligations flowing from the laws and regulations of the respective participating State". In the Helsinki document the relevant provision refers only to "rights and obligations" of applicants in general. Within the context of family reunification, reference may further be made to the provision in the final document, to the effect that the fees charged in connection with an exit permit will gradually be lowered "to a moderate level in relation to the average monthly income in the re-

4) This provision forms part of Principle X from the first basket of the Final Act of Helsinki.

spective participating State" (author's italics). It is at once evident that the decree on the "marriage tax" or "emigration tax", introduced some time ago in Rumania, according to which prospective emigrants are obliged to reimburse their training cost in hard currency, is greatly at variance with this. This decree has been criticized fiercely by the Western countries, because the Rumanians themselves can never fulfil this obligation, since under the Rumanian legislation they are not allowed to possess any hard currency at all <sup>5</sup>.

That Rumania is not insensitive to this criticism may be inferred from the fact that meanwhile relaxations have been introduced in the application of the decree.

A major achievement in the field of human contacts, to which the East European States agreed only at the last moment, is the agreement to hold a meeting of experts on human contacts in Bern in 1986. This agreement has been laid down in a so-called "chairman's statement", annexed to the concluding document, since the East European States doggedly refused to accept it as part of the concluding document itself. The latter would have been viewed by them as leading to a loss of face after their prolonged opposition to the Western proposal in this field.

5) For this reason the U.S.A. threatened Rumania with revocation of the status of most-favoured-nation. See, e.g., CSCE Digest (Washington) of March 15, 1983, pp. 8-9; CSCE Digest (Washington) of June 8, 1983, pp. 10-12; and "Rumania: Human Rights in a 'Most Favoured Nation'", report by the US Helsinki Watch Committee, June 1983, pp. 10-13.

## Freedom of religion

The provisions on freedom of religion in the concluding document are mainly a repetition of the undertakings already laid down in the Final Act of Helsinki. As new elements on this subject only the following, extremely cautiously formulated, provisions occur: "In this context, they will consult, whenever necessary, the religious faiths, institutions and organizations, which act within the constitutional framework of their respective countries.

They will favourably consider applications by religious communities of believers practising or prepared to practise their faith within the constitutional framework of their States, to be granted the status provided for in their respective countries for religious faiths, institutions and organizations".

A good many queries may be written against this, in particular against the passage "within the constitutional framework of their respective countries" or "of their States", considering, *inter alia*, the existing legislation of the Soviet Union and other East European countries.

## Information

As to cooperation in the field of information, the final document in fact contains few new points. All the provisions on the improvement of dissemination of, access to, and exchange of information and on the improvement of the working conditions of journalists virtually constitute a repetition of those already set forth in the Final Act of Helsinki. These are provisions in which the CSCE States

promise to disseminate printed information from other CSCE countries on a wider scale, to enlarge the possibilities for citizens to take out subscriptions, to encourage cooperation between representatives of the mass media, to enlarge the travelling possibilities for foreign journalists, etc. The Western wishes in this field - e.g. improvement of the possibilities for foreign journalists to perform their work undisturbed - have not been fulfilled.

It is, however, to be noted that in the final document the obligation for the CSCE countries to establish press centres is laid down. These centres were to be accessible to the national as well as the foreign press, while the latter must have favourable working facilities.

The vexed Western proposal on the prohibition of jamming of radio broadcasting has not been accepted.

## Role for individuals

Another Western proposal which failed to be included because of East European opposition concerns the right of citizens to form Helsinki monitoring groups. The concluding document only restates that not only governments, but also "institutions, organizations, and persons" have to make a contribution to the attainment of the CSCE objectives. Moreover, reference should be made to the following provision from the final document: "They recall the right of the individual to know and act upon his rights and duties in the field of human rights and fundamental freedoms, as embodied in the Final Act, and will take the necessary action in their respective countries to effectively ensure this right."

## Expert meeting on human rights

Finally, attention should be drawn to the agreement in the concluding document to convene a meeting of experts of the CSCE States "on questions concerning respect, in their States, for human rights and fundamental freedoms, in all their aspects, as embodied in the Final Act". This meeting will be held in Ottawa in 1985.

All in all it may be stated that the concluding document <sup>6</sup> of the Madrid conference is marked by a certain progress in the field of human rights and humanitarian problems. Although a better result might have been hoped for, this progress should be welcomed positively. Now, implementation of the agreements achieved must be the next step.

6) The full text of the concluding document of the Madrid conference is generally available from the Ministry of Foreign Affairs in each country.

