

Conference of European Justice and Peace Commissions  
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## Introduction

In a recent interview Maud de Boer-Buquicchio, Deputy Secretary General of the Council of Europe (CoE), brought forth the idea of granting a **temporary residence permit for victims of trafficking** in human beings. Offering victims protection in this way would be a major step to counter the trade more effectively, since it would make it easier for the victims to denounce the traffickers.

This proposal is not without problems, because it may undermine the European Union's (EU) tough stand on migration. Still Ms de Boer-Buquicchio is hopeful that it will be possible to reach a consensus between the CoE and the EU by recognising that victims of the people trade are not willingly illegal migrants.

This initiative once again shows the inventiveness of the CoE in finding ways to enable existing legislation, and laws in the

process of being worked out, to be put to work.

It also underlines the importance of the **new participatory status** granted by the CoE to the international NGOs it has recognized. With this new status NGOs will be able, and will have the right, to help the CoE in continuing to find practical ways of attacking problems in the European societies from the wealth of experience that these organizations have from the field.

During the January-session of the NGOs at the CoE a lot of time was dedicated to this change of status, and to the election of a new chair-person of the Liaison Committee. Read more on this below.

To read the whole interview with Ms de Boer-Buquicchio :  
[www.coe.int/t/e/com/files/interviews/20040126\\_interv\\_SGA.asp](http://www.coe.int/t/e/com/files/interviews/20040126_interv_SGA.asp)

## Euthanasia

A controversial Report and Draft resolution on Euthanasia was to be voted on by the Parliamentary Assembly of the CoE on January 28th 2004. Behind the proposal is the Swiss parliamentarian Dick Marty.

The Draft resolution merely urges the governments of the CoE member-countries to start a discussion on euthanasia, and to consider whether legislation should be

envisaged. Still, the memorandum in the resolution favours euthanasia.

Therefore, at the request of **the Swedish Justice and Peace commission**, the "core-group" of the Conference of European Justice and Peace Commissions (JPE Core-group) contacted the Swedish group of Parliamentarians to put forward the Catholic view on euthanasia.

During an hour-long meeting "JPE Core-group" member Henrik Alberius discussed the issue with Ms Helena Bargholz of the Swedish Liberal Party. Ms Bargholz is a member of the same party-group at the CoE as Mr Marty and of the committee preparing the question for the Assembly.

Since Ms Bargholz already was sceptical to the proposal, the discussion centered on the weaknesses of the proposal itself.

The vote on the draft resolution was postponed because of the absence of Mr Marty, but it will be on the table again at the Assembly in the end of April.

Ms Bargholz stated that she will vote no to the proposal. Other European Justice and Peace commissions wishing to act on the matter, should contact their respective representatives of the CoE Parliamentary Assembly well before the end of April.

To read the report on euthanasia:  
<http://assembly.coe.int/Documents/WorkingDocs/Doc03/EDOC9898.htm>

## NGO-status and Presidency

On 19 November 2003 the Ministers' Deputies adopted two resolutions recognising the work done up until now by non-governmental organisations at the Council of Europe. The first one was to grant the NGOs a new **participatory status** to replace the former consultative one. The second was that this new status will automatically be given to all the NGOs recognized by the CoE, including the Conference of European Justice and Peace commission.

Behind this decision lies the fact, that the

CoE recognizes that it cannot live up to the two goals of:

- "achieving closer unity between its members for the purpose of realising the ideals and principles which are their common heritage, and facilitating their economic and social progress", and
- "a greater Europe without dividing lines"

without constant sensitivity to public opinion and to the driving forces in European society. And as it considers NGOs as vital components and a counterbalance in our pluralist democracies, it adopted the rules for a partnership between the Council of Europe and the NGOs.

This was also a recognition of the fruitful working relations between the CoE and the NGOs since it first created a consultative status for international non-governmental organisations in 1952.

In practice this means, that from now on the NGOs not only **can** be consulted on various issues, but they have a **right** to be heard and to partake in the work of the CoE. Of course this in turn entails a growing responsibility for the NGOs to invest themselves in the work of the CoE.

As it was expressed by the **newly elected chair-person** of the Liaison Committee of the NGOs, **Annelise Oeschger**:

*"We have officially become the fourth pillar (of the CoE) alongside the Committee of Ministers, the Parliamentary Assembly and the Congress of Local and Regional Authorities of Europe. We now have a legal basis for making our views count. We have a stronger position than in the past, when we were too heavily dependent on the goodwill of others."*

Ms Oeschger, known to the Conference of European Justice and Peace Commissions since her appearance at its General Assembly in Geneva 2003, was unanimously elected the new chair-person of the Liaison Committee at the Plenary Conference of the

NGOs on January the 27th 2004. The Liaison Committee leads the joint work of the NGOs, acts as the contact between the CoE and the NGOs, and its members take part on different ad hoc committees of the CoE. Ms Oeschger, who represents ATD Fourth World at the CoE, gave these **priorities** to her chairmanship:

*"We will focus in particular on the countries that are not candidates for European Union membership, as they risk being forgotten and falling back into old ways. We are going to help the CoE build a single Europe: not a two-speed Europe and certainly not a fortress Europe."*

To read interview with Ms Oeschger:  
[www.coe.int/t/e/com/files/interviews/20040128\\_interv\\_Oeschger.asp](http://www.coe.int/t/e/com/files/interviews/20040128_interv_Oeschger.asp)

## Social Cohesion

The basic **definition** of the term "social cohesion" now in use in both the CoE and the EU is:

"capacity of a society to provide services to all its members, minimizing disparities and promoting mutual responsibility".

This was stated by John Murray, Executive Secretary of the Directorate of Social Cohesion (CDCS) of the CoE as he visited the NGO-grouping "Extreme Poverty and Social Cohesion" on January 28th 2004.

He underlined that there is a growing fear, that social cohesion is at risk in Europe today. This because of problems the states are facing in adapting the **welfare-state** as a model to a fast changing world.

Mr Murray also expressed fears that the **third Summit** of the CoE, planned for **2005** in Warsaw, will not highlight these problems because of the wish of some of the member-states. This third high-level Summit is planned to be a political booster for the CoE, to strengthen it after the admission of ten new states into the EU in May 2004. Mr Murray therefore urged the

NGOs to keep an eye on the development leading up to the Summit.

Ms Oeschger assured him of the keen interest of the NGOs in this matter. She also said she wanted to see a reinforcement of monitoring the procedures.

In the deliberations of the Grouping following Mr Murrays address, these **lines of actions** for the NGOs were drawn up:

- the CoE **social rights** are a part of **human rights**;
- there is a need to provide **firmer foundation** for social rights in the member-states;
- social measures are about guaranteeing **rights for everyone**, not only those in trouble;
- social rights need to be reinforced as a **tool to counterbalance** the market economy;
- economic growth is not the main aim of our societies, but **human development**;
- the **right to work** is a fundamental value.

The aim is to arrive at a socially responsible economy, where use of e.g. consumer power can lead to an improvement of the economic environment.

Mr Murray added that a conference on ethical finance will be organized by the CoE in November 2004.

The precarious **situation of vagrant children and children that are victims of trafficking** was also discussed following a report by Ms Monique Laboureur, chair of the ad hoc working group Children and Families.

Ms Laboureur presented a recent Belgian report mapping out the situation of these children. A majority of them are Roma and most live with an illegal status. Most of them are underaged and they are very often used for begging in the streets.

Together with a number of NGOs at the European Union the Working-group Children

and Families have drawn up a plan for action. It includes:

- finding the children;
- finding out where they come from, and if possible resettle; if not
- give them a tutor to assure home, health and education;
- create a center for meeting, and for human and legal support;
- protect them against traffickers.

The Grouping supported these efforts, and more will be discussed in a Forum planned for June of 2004. The details of this Forum are as of yet not available.

## Human Rights and European Court

The January-meeting of the Human Rights Grouping of NGOs was dedicated to the reformation of the European Court of Human Rights.

**Mr Roderick Liddell**, Deputy to the Registrar of the HR Court, told the Grouping of the problems facing the Court in maintaining its effectiveness. The Court is "a victim of its own success" and is flooded with cases from the member-states. During 2003 incoming new cases amounted to 38.000, while 18.000 cases were ruled by three-judge committees, and another 30.000 cases were on the waiting-list. The Court expects a 10-20% increase per year of incoming cases for the coming years.

The "receivability" of each incoming case has to be established by a judge of the Court. And even though 80% of the cases are judged "irreceivable", the sheer number of cases bogs the Court down. The number of "substantial cases" waiting to be ruled are on the rise, and something has to be done.

The suggested remedies are:

- to move as much of the screening of cases as possible back to national bodies;
- that member-states verify the compatibility of their legislation with the European Convention on Human Rights to lower the number

of new cases;

- that member-states teach the Convention in universities and professional trainings.

**Mr Jeroen Schokkenbroek**, Head of Division of the Human Rights Law and Policy Division of the Directorate of HR (CDDH), also pointed to the discussions with the EU. The absence of an EU-constitution makes negotiations of many questions between the CoE and the EU impossible. The status of the EU at the European Court of HR is also to be defined.

The matter hastens, since the Committee of Ministers of the CoE hope to adopt an amendment to the Convention reforming the Court at their meeting in **May 2004**.

Because of the urgency, the NGO-Grouping decided to subscribe to a Resolution of Amnesty International to be submitted to the CDDH. This resolution encourages the amendment to ensure the effectiveness of the Court. It also urges better resources for the finances and personnel of the Court. **But**, it opposes the proposed new criteria for "receivability", among them national screening. The resolution was signed by the Conference of European Justice and Peace Commissions.

To read the final CDDH-draft:

[www.coe.int/T/F/Droits\\_de\\_l'Homme/CDDH\(2003\)026\\_%20E%20Interim.asp](http://www.coe.int/T/F/Droits_de_l'Homme/CDDH(2003)026_%20E%20Interim.asp)

## Practical proposals and Contacts

This very important paragraph will let you easily get in contact with either Jonneke Naber or Henrik Alberius of the "JPE core-group". This has become even more important after the change of our status at the CoE. We want to, and need to, act.

Please send any question, remark, idea and initiative directly to:

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