
Conference of European Justice and Peace Commissions NEWSLETTER ON THE COUNCIL OF EUROPE

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Introduction

In the end of April the Human Rights Working-group of the Conference of European Justice and Peace Commissions (JPE) met in Strasbourg in conjunction with the meeting of JPE's EXCO. The first afternoon was devoted to a discussion on the JPE's representation as a recognized NGO at the Council of Europe (CoE) having participatory status. The issue will be further discussed at JPE's General Assembly in Sarajevo in September.

The following morning the group went to the CoE for two meetings to be briefed on some of the work done at the CoE.

The first meeting was with the European Social Charter where Ms Naema Tahir briefed us with special emphasis on the *collective complaints procedure*. This procedure is a way for organizations, e.g.

NGOs, to complain against member-states who violate agreements undertaken while signing the European Social Charter. This is done to the European Committee of Social Rights.

The Committee takes a decision on the merits of the complaint, which it forwards to the parties concerned and the Committee of Ministers in a report, which is made public within four months of its being forwarded. Finally, the Committee of Ministers adopts a resolution. If appropriate, it may recommend that the state concerned take specific measures to bring the situation into line with the Charter.

This complements the right individual citizens of the 45 member-states have to complain to the European Court of Human Rights.

Learn more on:

www.coe.int/T/E/Human_Rights/Esc/

The second visit was with Tomas Venckevicius and Françoise Kempf of the Directorate General III – Social Cohesion, Social Policy Department. They stated that social cohesion is the main objective of the CoE. To move towards this goal CoE uses three main approaches: standard-setting, intergovernmental co-operation, and implementation in poorer countries, e.g. by voluntary contributions.

They also stressed the importance of creating a political will to integrate policies

as a basic foundation to arrive at social cohesion. Equally important is helping people to benefit from the laws already in existence. Mr Venckevicius underlined that social rights are not a gift – they are a right for all citizens to enjoy.

Social Cohesion

A *revised Strategy for Social Cohesion* is to be adopted by the Committee of Ministers. This will form a basis for the work in this area carried out by the European Committee for Social Cohesion (CDCS). According to its Director General Alexander Vladychenko the committee considers several new areas of work:

- a new study on housing and social cohesion is being planned;
- activities on children and families are likely to be reinforced;
- new work on the socially responsible economy is likely to result from a Forum which will take place in November 2004;
- work is starting on preparing a Disability Action Plan, a new policy framework.

Other priorities will be social protection, social services, and the elderly.

The CDCS will also get involved in the work of the CoE on *migration*. A conference in cooperation with the ILO was held end of May in Cyprus on *Social security: a factor of social cohesion*. No news have been published yet about the outcome of the conference, but its aim was to promote the concept of social security as a universal right of the human being and as a fundamental element for social development.

Learn more on:

www.coe.int/t/e/Social_Cohesion/

Migration

The 7th Conference of European Ministers for Migration Affairs in Helsinki 2002

called for two structures to be set up by the CoE: a Political Platform and a Migration Agency.

The *Political Platform* is in place. It had its first session at the meeting of the European Committee for Migration (CDMG) in December 2003. It will provide a forum for strategic policy making in the field of migration, its orderly management and guidance for the proposed Migration Agency.

Preparatory work for the proposed *Migration Agency* is under way and a report will be submitted to the Secretary General of the CoE in June this year. The agency will be an implementation tool and lay emphasis on actions and project development.

Already in place, the Political Platform has adopted a practical approach to its work.

Two themes have been identified:

- the role of *information* and its contribution to orderly migration;
- and *integration* as a factor for development.

During 2004 one of the main objectives is to strengthen the Political Platform in two ways:

- efforts will be made to improve non European countries;
- the quadrilogue character of the Platform will be improved through co-operation with the Parliamentary Assembly, the Congress of Local and Regional Authorities, and the NGOs working at the CoE.

Learn more on:

www.coe.int/T/E/Social_Cohesion/Migration/

Trafficking

The work of the CoE to draw up a *European Convention on action against trafficking in human beings* is going forward. On June 29th the Committee on action against trafficking in human beings (Cahteh) will meet again in Strasbourg. To be discussed are questions

relating to purpose, scope of application, non-discrimination principle, and definitions of the future Convention. Also prevention, co-operation, and measures to protect and promote the right of victims.

On June 9th the Deputies of the Commission of Ministers agreed to let the draft of the future Convention be consult the NGOs involved in the subject as soon as possible. This by communicating the draft to them.

The work on the Convention is coordinated by the Directorate General of Legal Affairs and Human Rights, and the work is expected to be finalized at the end of 2004.

Learn more on:

www.coe.int/T/E/human_rights/trafficking/2_Cahteh

In a speech in Skopje on June 3rd the Deputy Secretary General of the CoE Maud de Boer-Buquicchio stated that trafficking in human beings *"is obviously a crime"*. Therefore fighting against trafficking means prosecution both the traffickers *and the "consumers"* of the services of the victims of trafficking.

Of the future Convention she said that it will include a chapter entirely devoted to measures to protect and promote the rights of the victims, including gender equality issues. These measures will include: identification of and assistance of the victim, compensation and legal redress, protection of private life, a recovery and reflection period, and the question of a renewable residence permits for as well as repatriation of the victims.

Furthermore she reiterated that the co-operation of intergovernmental and non-governmental organizations will continue.

Inter-Religious Dialogue

On June 1st Norway took over as new President of the Committee of Ministers of the CoE. One of its priorities set for this presidency is to emphasize the CoE's role in peace-building and conflict prevention, and

particularly the need for increased dialogue between cultures. Therefore Norway invited the member-states to a conference in Oslo on the religious aspect of inter-cultural dialogue in the beginning of June this year.

No news of this conference has as have yet become public, but the aim of it was to:

- identify needs and requirements with a view to applying the religious dimension of inter-cultural education in schools in the member-states;
- what support and information the governments need to provide;
- what activities should be promoted in the schools;
- what the obstacles and opportunities are;
- and to discuss the roles and responsibilities of decision-makers and professionals on the ground.

Learn more (later) on:

www.coe.int/T/E/Com/files/CM_Chair-sessions/chair/norway/

In a speech to the foreign ministers of the Islamic Conference (OIC) in Istanbul on June the 15th, the Secretary General of the CoE Walter Schwimmer stated, that the Islamic component is an integral part of Europe's diversity.

He reaffirmed the CoE's commitment to countering Islamophobia, anti-Semitism and other forms of intolerance. He proposed the launch of a series of joint projects on history teaching and religious diversity. These projects would be extended to the whole of the Mediterranean basin, "as a contribution to our intercultural and inter-religious dialogue". The global threat of terrorism made such dialogue more necessary than ever, he warned.

With the support of Norway, which is currently holding the chair of the Committee of Ministers, the CoE is helping groups of neighboring countries jointly to re-examine history teaching in order to overcome ignorance and prejudice, he also stated.

He also proposed to the OIC to launch common projects with the CoE around the

Mediterranean as a contribution to intercultural and inter-religious dialogue.

Human Rights and the European Court

During the NGO-working session end of April this year the *Commissioner for Human Rights* of the CoE Alvaro Gil-Robles visited the Human Rights-grouping of the NGOs. He said that – if possible – he tries to make a visit in each member-state. His first contact in every country is with the local NGOs, *“because without the NGOs the Commissioner for Human Rights cannot fulfill his assignment”*. He said his main concerns during the visits are among others to inform himself on and discuss with his hosts trafficking and victim protection, conditions of temporary detention, and residence permits.

He stated that trafficking of human beings – not least of women and children – is the most shameful crime in the modern democracies. And that slack behavior of the authorities in some countries – looking the other way – needs to be combated. He also stressed the need to work on the buyers, the consumers, of the services of victims of trafficking.

Protocol 14 to the European Convention on Human Rights (reforming the *European Court of Human Rights*) was adopted by the CoE's Committee of Ministers on May 13th 2004. This Protocol will enter into force after the ratification of all the states that are parties of the European Convention on Human Rights.

Ahead of the adoption 114 NGOs at the CoE – *among them JPE* – signed a joint response on the reform, which was sent to the ministers of foreign affairs of all the member-states.

The major changes of the convention, along with the joint response, are:

- a single judge is empowered to make rulings on admissibility of applications to the court; *this is welcomed by the response*;

- committees of 3 judges are empowered to make rulings on cases about which the Court's case law is clear; *this is welcomed by the response; still a warning is raised for the inclusion of Article 28*;
- the Commissioner for Human Rights is empowered to intervene in cases; *this is welcomed by the response*;
- the Protocol provides that the terms of Friendly Settlement agreed between parties to a case will be included in the Court's decisions; *this is welcomed by the response*;

Learn more on:

<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=194&CM=1&CL=ENG>

Euthanasia

The controversial Draft resolution on Euthanasia (*see JPE Newsletter number 5*) on which voting had been delayed on several occasions was debated in the Parliamentary Assembly on April 28th. The Assembly decided however not to vote on the proposal, but to refer it back to the preparing committee.

This procedure is highly unusual, and the future of the report and the draft resolution is unsure.

Practical proposals and Contacts

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

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

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