

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

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Introduction

● During the Council of Europe (CoE) parliamentary session 16th to 20th of April 2007 the **state of human rights in Europe** was in focus. Not only did the Parliamentary Assembly of the CoE (PACE) hold an all-day debate on the *State of Human Rights and democracy in Europe*. To that the Commissioner of Human Rights of the CoE, Mr Thomas Hammarberg, gathered leading representatives of the human rights community to a half-day round-table discussion on how to improve the protection and promotion of human rights in Europe. Therefore this issue of the Justice and Peace Europe (JPE) Newsletter will be devoted mainly to human rights.

- But we will also note that the

president of PACE, Mr René van der Linden, repeated his invitation to Pope Benedict XVI to address PACE at one of its forthcoming sessions during a visit to the Vatican at the beginning of April.

Mr van der Linden also spoke of his **proposal to grant churches official status with the CoE**: *"Globalization has brought the various cultures and religions into close contact with one another. This proximity can be a source of enrichment, but also of friction and misunderstanding. We are convinced that intercultural and inter-religious dialogue is the only way of ensuring long-term peace and stability in Europe. It is for this reason that the Council of Europe's legal and political action must be strengthened through co-operation with churches and other religious organizations that are active components of civil society. Given the increasing discussion on the role of religion in society, the Council of Europe can offer the best forum for such a discussion."*

To learn more go to:

<http://assembly.coe.int/ASP/Press/StoPressView.asp?ID=1887>

Human Rights

- On April 17th 2007 the Commissioner for Human Rights, Mr Thomas Hammarberg led a round-table discussion at the CoE on **how to improve the protection and promotion of human rights in Europe**. Representatives of leading human rights NGOs as well as international organizations with human rights mandates attended the half-day conference. This event preceded the PACE debate on human rights in Europe, which took place the following day.

The debate was opened by a representative of the **OSCE/ODIHR** who asked why there are less human rights in Europe today than 10 years ago. He answered this question by stating that one of the reasons is that the following up on recommendations is not strong enough.

A representative of the **Directorate General of Human Rights** of the CoE pointed to the lack of political will. He blamed this on the rise of right-wing extremism in European nations. He also mentioned that states suffering from an economic crisis are less enthusiastic to invest money in human rights.

A representative of **UNHCR** said that national security is a major obstacle even after 50 years of human rights. He said that there is a need for the states legislative branches to penetrate into their security branches. He saw the same need of penetration of human rights in the administrative branches.

A representative of the **Helsinki Foundation** called for a debate on the essence and foundation of human rights.

And he added: "*All governments are more or less cynical when they talk of human rights*".

A representative of the **Human Rights Watch** pointed a finger at the EU and said that it complicates human rights work. One field he mentioned was migration. He also noted that the EU is more powerful in addressing human rights violations outside the EU than in its own member-states.

This is a short personal report of the first part of the debate since the official report is not published as of yet. But it is possible to learn more and to read the background document as well as see the list of participants by going to:

www.coe.int/t/commissioner/Activities/event_files/070417HRroundtable_en.asp

This web-page also contains links to European human rights institutions and to NGOs working for the protection of human rights. This is also where the official report of the conference most likely will be published.

- In April 2007 the CoE Commissioner for Human Rights, Mr Thomas Hammarberg, published a book containing 26 of his viewpoints written during his first year in office. It is called *Human Rights in Europe: Mission Unaccomplished*.

The book is available for free in English, French and Russian. To order the book go to:

www.coe.int/t/commissioner/Viewpoints/Default_en.asp

- On the 18th of April 2007 then the PACE held its all-day debate on **the state of human rights and democracy** in Europe. This was the first time a like debate was held in the CoE's parliamentary assembly. The background to it is the fact that despite efforts during more than 50 years to improve human rights, people in Europe continue to be subject to human rights violations. These include extra-judicial killings, torture or disappearance without trace, trafficking for sexual exploitation, abuse because of gender, ethnicity or religion and discrimination against by the state.

This debate also had another first of its kind, since among the invited speakers to address the PACE were not only a number of governmental and inter-governmental human right agencies but also two representatives of civil society - **Amnesty International** and **Human Rights Watch**.

At the opening of the debate the Rapporteur of the Committee on Legal Affairs and Human Rights said he was concerned about the gap between statements made by states and their actual policy. "*Member states should finally end hypocrisy. It is time to turn words into deeds and to respect in fact human rights and the rule of law. Human rights must first and foremost be enforced at national level.*"

The CoE Commissioner for Human Rights, Mr Thomas Hammarberg, stated that there is no place for complacency when it comes to human rights. And he posed the rhetorical question "*Why is there such an implementation deficit?*" when it comes to human rights. He also

referred to the call of the CoE Secretary General, Mr Terry Davis, who has raised the issue of democratic control of intelligence agencies and cross-border co-operation between them. "*That needs to be pursued.*"

There is not enough room here to give an exhaustive report from this highly interesting debate. But there is the possibility to read the official *verbatim* report of the debate on: http://assembly.coe.int/ASP/Doc/CRListingSession_E.asp?IDSession=217

On this web-page you should click on the reports from *Wednesday, April 18, 2007*.

You can also consult the PACE special file on The State of Human Rights and Democracy in Europe on: <http://assembly.coe.int/Sessions/2007/Debate/ENDemocracy.htm>

On this web-page you find the three reports that provided the base for the debate in the PACE as well as the opinions provided by six of the CoE's committees.

As background material to what Mr Hammarberg refers to concerning intelligence agencies and cross-border co-operation, you can read the PACE special file on **Secret Detentions in Member States**. You find this file on: www.coe.int/T/E/Com/Files/Events/2006-cia/

- A new issue of the CoE's **Human Rights Information Bulletin** (no. 70) is now available. It bulletin is published three times a year by the Directorate

General of Human Rights of the CoE.
You can download it from the following web-page:
www.coe.int/t/e/human_rights/1hribe.asp#TopOfPage

There is also a possibility to **subscribe** to this Human Rights Information Bulletin. Both the paper and the electronic versions are distributed free of charge within Europe. To subscribe go to:
www.kastor.net/dgii/bulletinsubscribe.htm

Intercultural/-religious Dialogue

- In the framework of the CoE's policy to promote intercultural dialogue, the government of San Marino (holding the chairmanship of the Committee of Ministers at the time) and the CoE organized a *European conference on the religious dimension of intercultural dialogue* the 23rd and the 24th April 2007 in San Marino. The over 130 participants discussed the implications of cultural and religious diversity in Europe for the strengthening of European co-operation based on shared values.

The conference concentrated on two main themes: the perspectives of a dialogue between the CoE and the religious communities traditionally present on our continent, and the importance of the religious dimension in the promotion of intercultural dialogue.

You can read the final declaration on:
www.coe.int/t/dg4/intercultural/sanmarino_EN.asp#TopOfPage

Trafficking

- The PACE of the CoE has published a **handbook** aimed for parliamentarians of its member states. The parliamentarians are urged to lead the way in fighting "the modern slavery" of trafficking by **lobbying their governments to sign and ratify the new CoE Convention against Trafficking in Human Beings** by introducing legislation, allocating funding and lobbying their governments.

The groundbreaking treaty is not yet in force, since so far only three countries out of the ten that are needed have ratified it. The treaty sets out ways to prosecute traffickers and protect victims, and foresees a monitoring mechanism.

To download the handbook called "*Anti-trafficking convention: a guide for parliamentarians*" and get a summary of the convention go to:
<http://assembly.coe.int/Main.asp?link=/Communication/Campaign/NotForSale/notforsale.htm>

It would be a good idea if you do download a couple of copies of this handbook and provide them to parliamentarians you know.

- A seminar entitled *Action against Trafficking in Human Beings: Measures to Protect and Promote the Rights of Victims* was held in Berlin 19-20 April 2007. This was the seventh information and awareness-raising seminar in the CoE's campaign to combat trafficking in human beings.

The seminar stressed the importance of taking measures to identify the victims and providing assistance to them. Furthermore, the seminar discussed the introduction of a recovery and reflection period before victims illegally present in a country can be expelled, as well as the possibility of granting victims a residence permit.

If repatriation and return is to take place, measures should be taken to guarantee the victims' safety and well-being.

To learn more on this seminar go to: www.coe.int/t/dg2/trafficking/campaign/Docs/SeminarsConf/BerlinArt29mar_en.asp

Freedom of Religion

- The **Venice Commission** of the CoE has published a preliminary report on the **National Legislation in Europe Concerning Blasphemy, Religious Insults and Inciting Religious Hatred**.

In its resolution 1510(2006) on *Freedom of Expression and Respect for Religious Beliefs* the PACE of the CoE expressed the view that freedom of expression should not be further restricted. But it also underlined that hate speech against any religious group was incompatible with the European Convention on Human Rights.

In October 2006 the secretariat of PACE asked the Venice Commission to prepare an overview of national law and practice concerning blasphemy and related offences with a religious aspect in Europe. At the end of March 2007

the Commission published its preliminary report.

The report states "*the Commission recalls at the outset that in a democratic society religious groups must tolerate, as other groups must, critical public statements and debate about their activities, teachings and beliefs, provided that such criticism does not amount to intentional and gratuitous insult and does not constitute incitement to disturb the public peace or to discriminate against adherents of a particular religion*".

The report then goes on to say that the Commission notes "*that practically all Council of Europe member States have enacted legislation to combat incitement to hatred, which includes religious hatred*".

The Commission's examination of this existing legislation leads it to conclude that the CoE member states have legislation which appears to have the potential for protecting both freedom of expression and the right to respect for one's religious beliefs. Accordingly, "*the Commission considers that in principle there is no need to enact new, specific legislation concerning blasphemy, religious insults and inciting religious hatred*".

To read to full report and related documents go to: [www.venice.coe.int/docs/2007/CDL-AD\(2007\)006-e.asp](http://www.venice.coe.int/docs/2007/CDL-AD(2007)006-e.asp)

The Commission stresses that the report is preliminary and that it intends to develop its reflection further.

The **European Commission for Democracy through Law**, better known as the **Venice Commission**, is the CoE's advisory body on constitutional matters. It was established in 1990 and has since played a leading role in the adoption of constitutions that conform to the standards of Europe's constitutional heritage. It was initially conceived as a tool for emergency constitutional engineering, but the commission has developed to become an internationally recognized independent legal think-tank.

How to Find a Document

- The number of documents produced at the CoE during the sessions of the Parliamentary Assembly of the Council of Europe (PACE) or the Committee of Ministers is impressive. A Newsletter like this one can only skim the surface of all these initiatives.

To better inform yourself on the variety of proposals and adopted texts you can **consult the CoE website**.

First go to www.coe.int. Choose either *Parliamentary Assembly* or *Committee of Ministers* on the top left-hand side of the page. A new page will open up.

On this second page you will find the heading *Documents* in the left margin of this page. Then choose to look at the list of either *Adopted Texts* or *Working Documents*.

To find a document of which you know the number look on top of the list to find the box *Keyword*. Open to set to *Doc.No*. A new page will open with this and then enter the wanted number, e.g. **10924**, which will get you the document called ***Human Rights of Irregular Migrants***. Or you may choose **10910**, which will give you the document called ***Regularization Programmes for Irregular Migrants***. Or **10964**, which will give you the document, called ***Accelerated Asylum Procedures in Council of Europe Member States***.

Click to open.

Practical Proposals and Contact

- This very important paragraph will let you easily get in contact with the JPE-representative to the CoE Henrik Alberius. It has become even more important after the change of our status at the CoE to become participatory.

Please send any questions, remarks, ideas, initiatives, and demands for aid to:

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