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COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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Introduction

- *"Although the principle of a strict separation of Church and State should be respected, **the ethical values that churches represent should be reflected in the political life of our societies.**"*

This statement was made by the Parliamentary Assembly of the Council of Europe (PACE) President René van der Linden as he addressed a joint Catholic-Orthodox conference on "Christianity, Culture and Moral Values" in Moscow on June the 20th 2007.

He pointed out that the values of the Council of Europe (CoE) - including tolerance and mutual respect - reflected the values of the main monotheistic religions, which have marked European spiritual identity.

Mr van der Linden also said that the political and legal action of the Council of Europe must be reinforced by cooperation with churches.

"Churches and other confessional organizations, through their moral and ethical commitment and the values they uphold, are active players in civil society and valid partners in our democratic societies."

Mr van der Linden also made an invitation to fight together against poverty and exclusion: *"All of us - churches, politicians, international organizations - must fight against this scourge, which destroys human beings and also contributes to the spread of extremism. ... Charity and solidarity must, therefore, guide the common action of states, churches and international organization for human dignity."*

To read to whole speech go to:

http://assembly.coe.int//Main.asp?link=http://assembly.coe.int/Communication/PresidentSpeeches/2007/20070620_Conference-Moscow.htm

Human Rights

- During its summer session the PACE backed the conclusions of the report by Dick Marty (Switzerland) declaring that it is now established with a high degree of probability that **secret detention centers operated by the CIA**, forming part of the "High Value Detainee program", existed for some years in Poland and Romania.

In a recommendation the PACE also said European governments should look into the need for democratic oversight of military intelligence services and foreign intelligence services operating on their territory.

The parliamentarians noted that some states invoked national security, or "state secrecy" laws, to block investigations into grave human rights violations committed by their agents. It urged that such restrictions be reduced to a minimum when exposing secret services' wrongful acts.

They urged compensation for the victims of such unlawful acts, and said only Bosnia and Herzegovina and Canada, the latter an observer to the CoE, had fully acknowledged their responsibilities regarding the unlawful transfers of detainees.

To learn more and read Resolution and Recommendation adopted and Mr Marty's report go to:

http://assembly.coe.int/ASP/NewsManager/EMB_NewsManagerView.asp?ID=3033&L=2

In a reaction to the PACE backing Mr Marty's reports **the Romanian**

parliament's delegation to PACE decided to take no further part in PACE's activities until the rapporteur on secret detentions, Mr Dick Marty, personally visits Romania to verify the "so-called information and proof" forming the basis for the accusation that the country was involved in hosting secret detention centers. The delegation expressed its consternation at the rapporteur's refusal to accept repeated invitations to visit, and said this approach, assumed by the Assembly as a whole, may jeopardize PACE's credibility.

On the occasion of PACE's debate on secret detentions in Europe, PACE President René van der Linden presented a **distinction to Reed Brody, counsel and spokesman for Human Rights Watch (HRW)**, for "outstanding action in lifting the veil of secrecy covering the practice of extraordinary renditions and the use of secret detention".

He also drew attention to "*the crucial role played by civil society in modern democracies*" and "*the Assembly's close and longstanding co-operation with NGOs*". Reed Brody in turn paid tribute to Dick Marty and his team for their thorough investigation of the matter, a brave step that no national parliament had taken.

On the 26th of June 2007 - the International day in support of the victims of torture - Mr Terry Davis, Secretary General of the CoE, issued a statement **calling for the CoE member states not to play into the hands of**

terrorists. *"If member states of the Council of Europe wish to mark this occasion with meaningful action, they do not need to look very far".*

In his statement Mr Davis called for a response from the member states having been pointed out in Mr Marty's reports on secret detention centers - *"instead of issuing blanket denials which are not very helpful in establishing the truth".*

In his statement Mr Davis made a reminder of his own study from 2006 showing that in **all** member states there are legislative and administrative gaps in the protection against serious violations of the European Convention on Human Rights. *"If Europe fails to act to prevent similar violations of human rights in the future, it will effectively play into the hands of terrorists".*

To read the entire statement go to:
http://www.coe.int/T/DC/Press/WCD/AILPR_en.asp#

- In an opinion article published on the 23rd of July 2007, the CoE's Commissioner for Human Rights, Mr Thomas Hammarberg, argues that **victims of human rights violations** should be granted full rights to reparation. These can take more forms than just financial compensation.

In the article Mr Hammarberg writes that reparation is the last step in the achievement of full human rights protection.

"Compensation can never fully undo the damage that has been done", Thomas

Hammarberg writes. *"But this should not stop us from fighting to achieve just redress for victims".*

To read this article go to:
http://www.coe.int/t/commissioner/Viepoints/Default_en.asp

Freedom of Religion

- On the last day of its summer session the PACE **backed the separation of church and state** in adopting its Recommendation 1804 on *State, Religion, Secularity and Human Rights*. It was voted through following a special debate on intercultural and inter-religious dialogue.

At the same time as PACE with this Recommendation affirms that governance and religion should not mix, it does go on to say that **religion is also beneficial to society**. *"Religion and democracy are not incompatible, however, and sometimes religions play a highly beneficial social role. By addressing the problems facing society, the civil authorities can, with the support of religions, eliminate much of what breeds religious extremism, but not everything".*

To PACE education is the key to combating ignorance, stereotypes and misunderstanding of religions and their leaders, and plays a central role in forging a democratic society. *"Schools are an essential forum for intercultural dialogue and also lay the foundations of tolerant behavior. They can effectively combat fanaticism by teaching children the history and philosophy of the main*

religions with restraint and objectivity".

But with Recommendation 1804 PACE also reaffirms that **human rights must ultimately take precedence over religious principles** where they conflict. "*Freedom of religion is protected by Article 9 of the European Convention on Human Rights and Article 18 of the Universal Declaration on Human Rights. Such freedom is not unlimited, however: a religion whose doctrine or practice ran counter to other fundamental rights would be unacceptable*". Nor may states allow the dissemination of religious principles which, if put into practice, would violate human rights.

To read Recommendation 1804 go to: <http://www.assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta07/ER/EC1804.htm>

- On the same day as the above Recommendation was passed by PACE, it adopted yet another concerning religion and society. This was Recommendation 1805 concerning ***Blasphemy, Religious Insults and Hate Speech against Persons on Grounds of Their Religion.***

According to this Recommendation religious groups must tolerate criticism and debate about their activities. But this goes providing it does not amount to gratuitous insult. On the other hand hate speech - inciting discrimination or violence against people of a particular religion - should be penalized.

Meanwhile blasphemy laws in the member states - which often result from the dominant position of one particular religion - should be reviewed,

PACE concluded with this Recommendation.

To read Recommendation 1805 go to: <http://www.assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta07/ER/EC1805.htm>

- In adopting a connected Resolution PACE declared that public figures or political parties making anti-Semitic statements should be prosecuted. The Resolution 1563 it entitled ***Combating Anti-Semitism in Europe.***

This Resolution also firmly condemns public financing for anti-Semitic groups blocked and states sponsoring Holocaust-denial. It also calls on media to be careful in their handling of potentially anti-Semitic stereotypes, while hate-speech against Jews on the Internet and in sport should be resolutely stamped out.

PACE also called for the fostering of inter-faith dialogue and a more inclusive teaching of history and religions.

To read Resolution 1563 go to: <http://www.assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta07/ER/ES1563.htm>

Death Penalty

- During its summer-session in June 2007 PACE held a debate on the promotion by CoE member states of an international moratorium on the death penalty. Following this debate PACE confirmed its strong opposition to the

death penalty in all circumstances by adopting Resolution 1560.

PACE also took pride in its decisive contribution to making the member states of the CoE a de facto death penalty-free zone. It also noted with satisfaction that the death penalty is on the decline worldwide.

According to PACE a moratorium is an important step as it saves lives and has the potential of demonstrating to the public in countries still practicing the death penalty that an end to state-sponsored killings does not lead to any increase in violent crime. PACE therefore "*strongly welcomed the Italian efforts in advocating for the death penalty moratorium in the UN General Assembly*" and called on all member and observer states of the Council of Europe to actively support it.

To read Resolution 1560 go to:
<http://www.assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta07/ERES1560.htm>

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 Justitia et Pax Europa-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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