

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

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Introduction

● On January 21, 2008, at the opening of its winter session, the *Parliamentary Assembly of the Council of Europe* (PACE) in Strasbourg **elected Mr Lluís Maria de Puig (Spain) as its new President**. He succeeds Mr René van der Linden (Netherlands) as the Assembly's 24th President since it was established in 1949.

After his election Mr de Puig stressed that his intention is to forge closer ties with the other players on the European political scene, particularly with the European Union.

To read Mr de Puig's biography, go to:
http://assembly.coe.int/President/dePuig/dePuig_CV_E.htm

● In a Resolution adopted on January 22, 2008, after an intense debate, PACE deplored that a solution to **the status of Kosovo** has not yet been found. It said that alternative ways must be sought to continue talks.

It also called on the UN Security Council to do everything in its power to overcome differences and reach a compromise in order to prevent Kosovo from becoming "a powder-keg and ultimately a frozen conflict in the Balkans".

It called on the parties to keep their pledge to preserve peace and dialogue in all circumstances and to refrain from any incitement to violence.

Regardless of what solution is found, PACE declared, that Kosovo should be "a multi-ethnic area safe for all those who live in it", where Council of Europe (CoE) human rights standards are fully enforced.

Read the Recommendation and the Resolution on:

<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta08/EREC1822.htm>

Human Rights

- According to PACE the procedures used by the UN Security Council and the EU to **blacklist individuals and groups suspected of having connections with terrorism violate basic human rights** and are "completely arbitrary". Therefore PACE insists that they must be reviewed "to preserve the credibility of the international fight against terrorism".

The report of the rapporteur Dick Marty (Switzerland), points out that there are currently some 370 people worldwide whose assets have been frozen. These people cannot travel, because the UN has put them on a blacklist. Furthermore, some sixty groups and bodies are reportedly on another blacklist kept by the EU.

In his report Mr Marty shows, that even those who decide on blacklisting are not given all the reasons for putting persons or groups on these lists. The persons listed are usually not questioned, nor are they informed of the decision. No independent review is requested.

This kind of procedure is "unworthy" of international institutions like the UN and EU, and undermines the legitimacy of using "targeted sanctions" against terrorists, PACE declares in its adopted Recommendation. It also states, that countries required to enforce these sanctions may well violate their obligations under the European Convention on Human Rights.

Learn more on:

www.assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta08/EREC1824.htm

- **Genetics and genetic testing** is currently one of the most promising research fields of medicine. Hundreds of tests now exist allowing doctors to diagnose diseases. These tests also allow the identification of diseases, which may develop at a later stage, or predispositions to diseases that may or may not develop. The tests can be complex to evaluate and understand.

Ethical questions have meanwhile appeared, since a commercial market for genetic tests has emerged. These exist outside all health systems. That is why a draft for an **additional protocol to the Convention on Human Rights and Biomedicine concerning genetic testing for health purposes** was sent to PACE by the CoE Committee of Ministers for an opinion.

On January 24, 2008, PACE backed the draft of an Additional Protocol to the Convention On Human Rights and Biomedicine including an amendment.

To learn more, go to:

<http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta08/eopi267.htm>

To learn more on the *Convention for the Protection of Human Rights and Dignity of the Human Being with Regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine*, go to:

<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=164&CM=8&DF=1/29/2008&CL=ENG>

- A new **Human Rights Information Bulletin** (Number 72) has been published by the CoE. It covers the period of July

to October 2007. It contains a wealth of information on many fields from the European Court of Human Rights through the Committee of Ministers, PACE and the Commissioner for Human Rights to Gender Equality, trafficking, and the European Social Charter.

To download the Bulletin or the subscribe to it, go to:
www.coe.int/t/e/human_rights

You will find the Bulletin offer on the top middle left side of the site.

- **“Truth Commissions”** have come in use in a growing number of countries over the last 30 years. These officially established bodies are set up to investigate tragic events in these countries' past. In particular they investigate human rights abuses committed by former regimes.

The Political Affairs Committee of PACE has presented a document (number 11459 of 2007) on the experiences of the “truth commissions”.

The document suggests that the experiences of the commissions may be useful for the CoE member states, where the heritage of the past still divides the societies.

To learn more, got to:
<http://assembly.coe.int/main.asp?Link=/documents/workingdocs/doc07/edoc11459.htm>

- A motion for a recommendation has been introduced to PACE concerning the **Human Rights Implications for Voluntary Return Policies and Programmes for Irregular Migrants**.

With more than 5.5 million irregular migrants in the European Union and another 8 million in the Russian Federation, the signatories of the motion states that Europe needs to explore all avenues for handling the problem of irregular migration.

The motion carries a number of suggestions for tackling this situation, all the while safeguarding the Human Rights of the irregular migrants.

To learn more on this motion in order to be able to react to the signatories of your country, go to:
<http://assembly.coe.int/main.asp?Link=/documents/workingdocs/doc08/edoc11483.htm>

To learn more on the Human Rights of Irregular Migrants, go to:
[https://wcd.coe.int/ViewDoc.jsp?Ref=CM/AS\(2006\)Rec1755&Ver=final&Language=lanEnglish&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/AS(2006)Rec1755&Ver=final&Language=lanEnglish&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75)

On this site, at the bottom, **do not miss to click on external link** to have also the PACE Recommendation number 1755.

Migration

- The Commissioner for Human Rights of the CoE, Mr Thomas Hammarberg, has rendered a report on the Human Rights of Irregular Migrants in Europe (cf. the item above).

In the report the Commissioner lists factors underlying irregular migration into Europe, the need for protection of the migrants, the rights under

International Human Rights Law, and obstacles and dilemmas.

To read this report on the Human Rights of Irregular Migrants in Europe, go to:

<https://wcd.coe.int/ViewDoc.jsp?id=1237553&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>

- The PACE and the Interparliamentary Assembly (IPA) of the Commonwealth of Independent States (CIS) have decided to dedicate the next **International Parliamentary Conference**, which is to be held in St Petersburg, Russia, on April 4, 2008, to the topic of “**Globalization of Migration Processes: Problems of Legal Regulation**”.

The invitation to this conference lists a number of aspects that will be discussed. Among them are legislative regulation of migration processes, international law and national legislation, intercultural dialogue and social interaction, the integration of migrant workers, and the protection of the rights of migrant workers.

The invitation is signed by the former President of PACE, Mr René van den Linden, and the Chairman of the Council of the IPA of the CIS, Mr Sergey Mironov.

For more information on this conference, contact the IPA CIS on zdy@iacis.ru or the PACE secretariat on dana.karanjac@coe.int.

- A document on the **problem of environmental refugees** is under

preparation in the Committee on Migration, Refugees and Population of the CoE.

To see the progression of the work, go to:

http://assembly.coe.int/CommitteeDocs/2007/20071030_eASInf_2007_11.pdf

The document is found on **page 51** on this site.

- In a motion for a recommendation a group of parliamentarians makes a proposal to address **housing, land and property considerations as part of durable solutions for refugees and displaced persons**.

The motion states, that one of the most serious problems faced by refugees and displaced persons in post conflict regions of Europe is the loss of housing, land and property during their displacement. This seriously undermines their right to a durable solution, including safe and sustainable return to their former homes.

The group of parliamentarians finds that the CoE is in a unique position to promote principles and guidelines that would help CoE member states resolve post-conflict housing, land and property rights issues.

To read this motion, go to:

<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc07/EDOC1427.htm>

Trafficking

- On January 24, 2008, PACE unanimously adopted a Recommendation calling for **the easing of international adoption rules**. PACE recommended a revision of the Hague Convention of 29 May 1993 on *Protection of Children and Co-operation in respect of Inter country Adoption*, in order to secure harmonization in this area and greater flexibility, while continuing to ensure that children's rights are respected.

The background to this decision is the absence of rules on registration and the general laxity in procedures. This has permitted **the emergence of parallel circuits and trafficking in children**. If strict procedures are established, in particular for ensuring post-adoption monitoring, this should lead to a considerable reduction in abuse.

PACE therefore urges member states that have not yet done so to amend their family and criminal law **to prevent trafficking in children and illegal adoptions**.

To read the Recommendation, go to:
<http://assembly.coe.int/mainf.asp?Link=/documents/adoptedtext/ta00/erec1443.htm>

To read the CoE *Convention of 25 October 2007 on the Protection of Children against Sexual Exploitation and Sexual Abuse*, go to:
<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=201&CM=1&DF=1/24/2008&CL=ENG>

To read the *Hague Convention on Protection of Children and Co-operation*

in respect of Inter country Adoption of 29 May 1993, go to:

http://www.hcch.net/index_en.php?act=conventions.text&cid=69

To read the Report by Ms Ruth-Gaby Vermot-Mangold (Switzerland), which forms the basis for the decision of PACE, go to:
<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc07/EDOC1461.htm>

In this document called *Disappearance of Newborn Babies for Illegal Adoption in Europe* Ms Vermot-Mangold reports on the situation in Ukraine, Moldova and other CoE member states.

Environment

During its winter session PACE adopted two texts on environmental issues on January 22, 2008.

- The first text adopted was a Recommendation on **Global Warming and Ecological Disasters** addressed to the Committee of Ministers of the CoE. The Recommendation states that Europe will not be spared the changes in climate caused by global warming. It therefore calls on the CoE member states to coordinate their efforts to combat the global warming at European and world level.

The Recommendation also urges the member states to commit themselves firmly to reduce greenhouse gas emissions, setting a 20-30 percent drop in CO² emissions by 2020 as the target, to reduce deforestation and to use renewable energy.

To read this Recommendation, go to:
<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta08/EREC1823.htm>

- The second text on environmental issues passed by PACE concerns **Protection of the Environment in the Arctic Region**. This Resolution was adopted unanimously.

The Arctic region is known to be more vulnerable to the changes in climate than other regions of the world. Its ecosystems are already under threat from global warming. Furthermore, the Arctic has recently become the target of intense economic development, founded on its immense natural resources such as gas and hydrocarbons, which themselves generate polluting activities.

The Resolution calls among other things on the CoE member and observer states to make preservation of the sustainability of the Arctic ecosystems, as a vital element of the global ecological equilibrium, a key principle of all national and regional economic development programmes.

To read this Resolution, go to:
<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta08/ERES1596.htm>

Personal Integrity

- Video surveillance in public places is becoming an increasingly widespread phenomenon. It is efficient in protecting public order. Still, the fact remains that **video surveillance is a potential threat**

to human rights. That is why PACE on January 23, 2008, adopted a Report by Mr Yuri Sharandin (Russia) called *Video Surveillance of Public Areas*.

In accordance with the European Convention on Human Rights, PACE believes that data derived from video surveillance should be treated with care, and that privacy should be respected. Therefore PACE recommends that software that can automatically shield certain "privacy zones" from video observation should be deployed. It also wants compulsory encryption of video data to reduce the risk of unauthorized access.

Since the CoE member states have different laws in this area, PACE calls on them to follow the *Council of Europe's 2003 Guidelines on the collection and processing of video surveillance data*, to adopt standard signs indicating the presence of video surveillance cameras, and to continue to work on this question.

To read the Resolution, go to:
<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta08/ERES1604.htm>

To read the Recommendation, go to:
<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta08/EREC1830.htm>

To read the report of Mr Sharandin, go to:
<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc08/EDOC1478.htm>

In this report is also listed a number instruments of European law, of member states' legislation, and case law of the European Court of Human Rights.

To read the 2003 Report *Guidelines on the collection and processing of video surveillance data* of the European Committee on Legal Co-operation (CDCJ), go to:
[http://www.coe.int/t/e/legal_affairs/legal_co%2Doperation/steering_committees/cdcj/Documents/2003/CDCJ\(2003\)21Efinal.pdf](http://www.coe.int/t/e/legal_affairs/legal_co%2Doperation/steering_committees/cdcj/Documents/2003/CDCJ(2003)21Efinal.pdf)

You will find the decision on **page 11** on the site and the Report on the *Guidelines* on page **44 to 47**.

The **Venice Commission** of the CoE has also adopted an opinion called *On Video Surveillance in Public Places by Public Authorities and the Protection of Human Rights*. To read it, go to:
[http://www.venice.coe.int/docs/2007/CDL-AD\(2007\)014-e.asp](http://www.venice.coe.int/docs/2007/CDL-AD(2007)014-e.asp)

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 or the Congress of Local and Regional Authorities 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 e.g. *Parliamentary Assembly* 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 the page. Then choose to look at the list of either *Adopted Texts* or *Working Documents*.

To find a document choose *Search* on top left-hand side of the page and click on *Documents*. A new side will open up. Stay on the left-hand side and go three headings down. Under *Documents* you will find the heading *How to search?* Click and follow the instructions.

On the *Committee of Ministers* site you will find the heading *Search help* on the opening page on the left-hand side. Click and follow the instructions.

On the sites of the *Congress of Local and Regional Authorities*, as well as that of the *Commissioner for Human Rights* you will find the heading *Search* on the left-hand side of the opening pages.

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.

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

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