

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

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Introduction

- In a motion for a Resolution a number of parliamentarians of the Parliamentary Assembly of the Council of Europe (PACE) demand that the Council of Europe (CoE) **condemn the Holodomor** in Ukraine in 1932-33.

The *Holodomor* (artificial famine) in Ukraine is one of the most tragic events caused by the totalitarian Stalinist regime. An estimated 7 to 10 million persons - a quarter of the population of Ukraine at the time - died during this famine.

Other international organizations have already condemned *Holodomor*: the UN in 2003, UNESCO and OSCE in 2007. A

number of national parliaments have done likewise.

Read the motion for a Resolution:

www.assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc08/EDOC11512.htm

- During its spring meeting 14-17 April 2008 the 400 plus NGOs who form the *Conference of INGOs* at the CoE adopted a resolution on Belarus. It expresses a deep concern caused by **the abrupt worsening of human rights situation in Belarus in 2008**, and called upon civil society representatives from Europe to support human rights defenders in Belarus.

The Conference reiterated its appeal to the Belarusian authorities, to release all political prisoners and to cease pressure on political parties, non-governmental organizations and persecution of their activists.

Read the Resolution on:

www.coe.int/t/e/ngo/public/Belarus_ONG_Conf_2008_RES1_en.asp#TopOfPage

Human Rights

- Discrimination and racism, children's rights, gender equality, freedom of expression and judicial independence, poverty as well as the human rights of irregular migrants were among the issues which still raise important human rights concerns in member states, the **Commissioner for Human Rights** Thomas Hammarberg said in delivering his **annual report** to the Parliamentary Assembly on 15 April 2008.

In his report, the Commissioner for Human Rights write, that Europe today is essentially unified behind the values of democracy and human rights. All CoE member states have ratified the European Convention, incorporated this treaty into their own legislation and are taking part in the proceedings of the European Court of Human Rights.

Most member states have also ratified the Protocols to the Convention as well as the other crucial CoE standards for human rights and they cooperate constructively with the monitoring mechanisms.

This does not however mean, that there are no human rights problems. The tens of thousands of submissions every year to the Court is an indication both of remaining problems and of the fact that ordinary citizens have a hope that their claims will be heard.

The great challenge now is to implement the agreed human rights, to ensure that they are made reality.

In this endeavor, the Commissioner writes, we need to particularly focus on

all those who tend to be forgotten or marginalized.

To read the Commissioner's report, go to:

www.assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc08/EDOC11553.htm

To read the Commissioner's **Issue Paper on the human rights of irregular migrants**, go to:

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

- In April 2008 the Commissioner for Human Rights Thomas Hammarberg also released a **compendium with the 27 viewpoints** written during his second year in office.

Among the articles in the compendium you will find viewpoints on Roma job seekers, homophobic policies, racial and religious profiling, child poverty, children in migration, gender balance in politics, media diversity, and the use of life sentences.

To order this free publication is, which is available in English, French and Russian, send an e-mail to:

commissioner@coe.int

- The CoE has published a new **Human Rights Information Bulletin**. It covers the period from 1 November 2007 to 29 February 2008. These bulletins are very comprehensive, and cover a large variety of topics from the European Court of Human Rights, the European Social

Charter to Equality between women and men and Media and information society.

The Human rights information bulletin can be downloaded from, or be subscribed to on:

www.coe.int/human_rights

- The CoE Publishing has a number of titles on Human Rights in its catalogue. These include e.g. "State of Human Rights and Democracy in Europe", "Europeans and their Rights - Freedom of Religion", "Death Penalty - Beyond Abolition", and "The Treatment of Prisoners - European Standards".

To learn more, and to order, go to: <http://book.coe.int>

- On April 17 2008, the PACE, while noting with satisfaction that there is a broad consensus today on the question of the accession of the European Union to the European Convention on Human Rights (ECHR), said that it is "time for the declarations of intent to be carried into effect".

The PACE recommended that the Committee of Ministers of the CoE immediately open negotiations with the EU on the instrument of accession, on arrangements for accession and on its procedural implications, to ensure the rapid adoption of instruments for accession.

The adopted text underlines that the accession will convey "a clear commitment to the protection of human rights" not only within the boundaries of the EU but also Europe-wide, and will confirm the EU's essence as a

"community based on law". The parliamentarians said, that "the accession must be the priority in the dialogue between the two organizations".

To read the Resolution, go to: www.assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta08/ERES1610.htm

To read the underlying report, go to: www.assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc08/EDOC11533.htm

- While addressing the Euro-Mediterranean Parliamentary Assembly in Athens end of March 2008, Lluís Maria de Puig, President of the PACE, said that **protection of the natural environment has to be regarded as a fundamental human right**. One of the objectives that he had set himself during his term of office was the integration of the right to a healthy environment into the European Convention on Human Rights, through an additional protocol.

The PACE President, who said that he had already invited the competent Assembly committees to begin to give thought to this matter, pointed out that Europe and the Mediterranean basin could be among the parts of the world most affected by global warming.

- There are still concerns in the CoE that there is a risk of duplication between the work of the **Fundamental Rights Agency (FRA) of the European Union** and the work of the CoE.

Therefore a number of parliamentarians have entered a motion for a Resolution on this matter. Among other worries, there is the fact that the FRA has "capacity building and awareness raising in Croatia and Turkey" among its operational priorities for 2007. In its founding resolution, it was however stipulated that the FRA would be limited to the EU and its member states when implementing Community law.

To read the motion for a Resolution, go to:
www.assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc08/EDOC11521.htm

To learn more on the FRA, go to:
www.eumc.at/fra/index.php

Migration

- **Migratory flows from Africa** currently make up a large share of migration into Europe. In order to better control immigration from sub-Saharan Africa into Europe, PACE on April 18 2008 called on European governments for more and better information on how sub-Saharan migratory flows work. But also on more humane and secure removals, improved provision for migrant students, closer harmonization of European legislation, and stronger links with African countries, including development aid.

In presenting his report which underlies the decision of the PACE, the rapporteur Jean-Guy Branger, France, said: *European states are reminded that sub-Saharan migrants have the same*

rights and duties as others, and have the right to be treated humanely.

To read the adopted Resolution, go to:
www.assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta08/ERES1611.htm

To read the underlying report, go to:
www.assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc08/EDOC11526.htm

- The Committee of Ministers (CM) of the CoE has replied to the PACE on its Recommendation 1807 (2007) on **Regularization Programs for Irregular Migrants**. The CM states, that it recognizes that "more research in the field of irregular migrants and regularization programs or return programs could be beneficial to the relevant authorities of the member states".

Furthermore, **the CM**, with a view to promoting the use of the tools already available on the international level "to further protect the growing numbers of migrant populations, and curb the influx of irregular migrants", **invites those member states who have not yet done so to consider ratifying the *Council of Europe Convention on Action against Trafficking in Human Beings* and the *United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air*, supplementing the *United Nations Convention against Transnational Organized Crime* as well as the *European Convention on the Legal Status of Migrant Workers* and the *International Convention on the Protection of the***

Rights of All Migrant Workers and Members of Their Families.

To read the reply from the Committee of Ministers, go to:

www.assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc08/EDOC11550.htm

To read PACE Recommendation 1807 (2007), go to:

www.assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta07/EREC1807.htm

Trafficking

● On 1 February 2008, the CoE **Convention on Action against Trafficking in Human Beings entered into force**. It is the first European treaty in this field, and a significant achievement and a major step forward in the fight against this modern form of slavery.

Countries now have a comprehensive treaty setting out measures not only to prevent trafficking in human beings and to prosecute the traffickers but also to give real protection to victims of trafficking and safeguard their human rights.

The Convention is not restricted to CoE member states. Non-member states and the European Community also have the possibility of becoming Party to the Convention.

The Convention also provides for **the setting up of an effective and independent monitoring mechanism** capable of controlling the

implementation of the obligations contained in the Convention. This monitoring mechanism of the Convention on Action against Trafficking in Human Beings will be set up within one year following the entry into force of the Convention on 1 February 2008.

The monitoring mechanism will consist of two pillars. The *Group of Experts against Trafficking in Human Beings* (GRETA), a technical body, composed of independent and highly qualified experts, and a political body, the *Committee of the Parties*, composed of the Committee of Ministers' representatives of the Parties to the Convention.

GRETA has the task of adopting a report and conclusions on each Party's implementation of the Convention.

To learn more on the entry into force of the Convention Against Trafficking in Human Beings, go to the CoE special site on Trafficking:

www.coe.int/t/dg2/trafficking/campaign/default_EN.asp

To see which countries have ratified the Convention, and which have signed, go to:

www.coe.int/t/dg2/trafficking/campaign/Flags-sos_en.asp

● In November 2007 Amnesty International (AI) published *14 Recommendations to ensure the election of independent experts of the highest caliber to monitor implementation of the CoE Convention against Trafficking*.

These recommendations are included as an annex to the report on the

Conference on the Monitoring mechanism of the Council of Europe Convention on Action against Trafficking in Human Beings, which was held in Strasbourg, France, in November 2007.

To read AI's recommendations, go to:
www.amnesty.org/en/library/info/IO61/025/2007/en

Intercultural/-religious dialogue

- On April 8 2008 a meeting on the theme "*Council of Europe 2008 Exchange on the Religious Dimension of Intercultural Dialogue*" was held in Strasbourg, France. A number of NGOs were also invited to this meeting, and their assessment of the meeting is very positive.

The meeting was organized on a trial basis to promote and strengthen the values of the CoE, and foster mutual respect, knowledge, tolerance and understanding in European society. The Committee of Ministers will receive a summary at its session in Strasbourg on 7 May 2008, and will then decide on whether further action to be taken.

To learn more, go to the CoE site on intercultural and inter-religious dialogue:

www.coe.int/t/dc/files/themes/dialogue_interculturel/default_EN.asp?

Religious Freedom

- On 15 April 2008 the PACE asked the CoE member states to take joint action with Muslim communities to **combat political extremism invoking**

the name of Islam. In a unanimously adopted resolution, the PACE called on governments to **combat Islamophobia, to take action against hate speech and to ensure respect for human rights when enforcing anti-terrorist measures.**

The parliamentarians asked European governments to tackle the causes of extremism - discrimination, social exclusion and unequal opportunities - and to promote the integration and the political and civic participation of immigrants and citizens with immigrant backgrounds. In line with the principle of secularism, they said, the state should remain neutral towards religions and must be able to offer a framework guaranteeing freedom of religion. For their part, European Muslim organizations and opinion-makers should clearly condemn terrorism and extremism.

As he introduced his Report, Mr Mota Amaral of Portugal said: *Islamic fundamentalism, which in its worst form calls for the use of violence, is an ideology with a political agenda and promotes a model of society which is not compatible with the values of human rights and democracy on which European states are built.*

To read the PACE Recommendation, go to:

www.assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta08/EREC1831.htm

To read the underlying report, go to:
www.assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc08/EDOC11540.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 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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