

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

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### Introduction

● On June 11<sup>th</sup> 2008 the Committee of Ministers of the Council of Europe (CoE), at the meeting of the Ministers' Deputies, debated current and future action by the CoE against trafficking in human beings and decided on rules on the election procedure of the members of the *Group of Experts on Action against Trafficking in Human Beings* (Greta). This group of independent experts will monitor implementation of the *CoE Convention on Action against Trafficking in Human Beings*. The Convention focuses on the protection of victims of trafficking in human beings, whilst also aiming to prevent trafficking and to prosecute traffickers.

To this end, GRETA will regularly draw

up reports evaluating the measures taken by the Parties to the *Convention*, including the European Communities. These reports will be based on country visits as well as dialogue with government authorities, members of parliament, civil society organizations and the victims themselves.

To date, the *CoE Convention on Action against Trafficking in Human Beings* has been ratified by 17 member states and signed by a further 21. It entered into force on 1 February 2008.

In the debate, member states agreed on the need to actively pursue CoE activities against trafficking. Delegations reported a number of national measures. The Ministers' Deputies called on the states, which had not yet signed and ratified the *Convention* to do so, and stressed the importance of effective implementation. They further agreed to hold an annual discussion on the implementation of the *Convention* and other CoE actions against trafficking in human beings.

To learn more, go to:  
[www.coe.int/TRAFFICKING](http://www.coe.int/TRAFFICKING)

## Intercultural/-religious Dialogue

- On the 7<sup>th</sup> of May 2008 the Ministers of Foreign Affairs of the 47 member states of the CoE launched the long awaited *White Paper on Intercultural Dialogue*. It had been approved one week earlier their Deputy Ministers.

This White Paper is the fruit of two years of work in the CoE. During this time intercultural and inter-religious dialogue has become one of the priorities of the CoE. In the elaboration of the White Paper most parts of the organization has taken part. This includes also many of the NGOs recognized by the CoE. Also the Conference of European Justice and Peace Commissions (JP Europe) has contributed to this work.

The White Paper provides various orientations for the promotion of intercultural dialogue, mutual respect and understanding, based on the core values of the CoE. When launching it, the Ministers welcomed it as a "significant pan-European contribution to an international discussion steadily gaining momentum", as well as to the European Union's "European Year of Intercultural Dialogue 2008".

The Ministers also emphasized the importance of ensuring appropriate visibility of the White Paper, and called on the CoE and its member states, as well as other relevant stakeholders, to give suitable follow-up to the White Paper's recommendations.

In the White Paper, after having discussed the conceptual framework,

five policy approaches to the promotion of intercultural dialogue are presented. It is followed by recommendations and policy orientations for the future action. In all, it is a very pragmatic document.

The religious dimension of intercultural dialogue is also thoroughly discussed. Among other things the following is stated:

"The important role of religious communities with regard to dialogue means that efforts should be undertaken in this field between the religious communities and public authorities. The Council of Europe is already engaged to this end through various initiatives of the Parliamentary Assembly and the seminars of the Commissioner for Human Rights, who since 2000 has brought together representatives of religious communities with the aim of associating them with the human rights agenda of the Council of Europe. Religious practice is part of contemporary human life, and it therefore cannot and should not be outside the sphere of interest of public authorities, although the state must preserve its role as the neutral and impartial organizer of the exercise of various religions, faiths and beliefs."

To download the White Paper on Intercultural Dialogue, go to: [www.coe.int/t/dg4/intercultural/](http://www.coe.int/t/dg4/intercultural/)

On this Web page, dedicated to the intercultural dialogue going on in the CoE, you will also find articles on the process of writing the White Paper as well as on the religious dimension of this dialogue, and more.

## Migration

- In the framework of a special debate on the state of democracy in Europe, the PACE highlighted several aspects of migration and the situation of migrants in the European societies.

During the debate the PACE discussed the specific **challenges facing European democracies today**. The basis of the debate was three reports, amongst which the reports by Andreas Gross (Switzerland) and John Greenway (United Kingdom) treated **questions related to migrants**.

According to reliable estimates, migrants make up 8.8 per cent of Europe's total population. The figure is increasing. In this context, the parliamentarians stressed the need to strike the right balance between respect for diversity and the need for integration for the proper functioning of democracy.

The PACE also debated measures to improve the democratic participation of the migrants and called on member states to grant the right to vote and to stand in local and regional elections to migrants who have been resident for a period of 5 years or less. They should at the same time be encouraged to learn the language of the host country.

At the end of the day Resolutions were adopted. Two of them are based on the two reports mentioned above. The first one addresses the specific challenges facing European democracies today - **the case of diversity and migration**. The second one addresses **measures to**

**improve the democratic participation of migrants.**

To read the Report on *diversity and migration*, go to:

<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc08/EDOC1623.htm>

To read the Resolution emanating from this Report, go to:

<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta08/eRES1617.htm>

To read the Report on the *democratic participation of migrants*, go to:

<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc08/EDOC1625.htm>

To read the Resolution emanating from this Report, go to:

<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta08/eRES1618.htm>

- A Motion for a Recommendation was introduced in the beginning of May 2008 by a number of parliamentarians of the PACE. It concerns issues of arrival, stay and return of **the unaccompanied minors arriving in Europe**.

It is estimated that at any given time there may be up to 100.000 unaccompanied minors in Europe. Some of these are asylum seekers, while many are irregular migrants. The unaccompanied minors are particularly vulnerable to human rights abuses, and they need special protection.

The Motion recommends the member states of the CoE to:

- only detain unaccompanied minors in exceptional circumstances,
- ensure that unaccompanied minors are able to claim asylum,
- review the conditions in which minors are held in care and detention,
- tackle the trafficking networks handling unaccompanied minors,
- and ensure that where unaccompanied minors are returned, proper reception facilities are available for them in their countries of origin and preferably with their families.

A number of recommendations directed to the Committee of Ministers are also included in the Motion.

To read this Motion for a Recommendation, go to:

<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc08/EDOC1605.htm>

- Another Motion on **the integration of refugees, displaced persons and returnees in South East Europe** was introduced to the PACE at the end of April 2008. The concern of this Motion is to stabilize democracy in this part of Europe.

It is estimated that there are not only 120.000 refugees and 383.000 displaced persons in South East Europe still seeking durable solutions for their lives. But it is also expected that another 100.000 people will return to this region under the agreement signed between the European Community and Serbia,

Bosnia and Herzegovina, "Macedonia" and Montenegro. This will put a strain on these countries, as they need to solve the situation of the refugees and the displaced persons, and at the same time need to integrate the returnees.

Therefore, the Motion contains a number of recommendations to the Committee of Ministers of the CoE, to the international community, to the CoE as such, and to the European Union.

To read these recommendations included in the Motion, go to:

<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc08/EDOC1598.htm>

## Human Rights

- During its summer session at the end of June, the PACE invited member states of the CoE to frame a proactive policy **to prevent the abandonment of newborn babies**. It also recommended that, in particular, ante-natal and post-natal medical and social support and appropriate financial assistance for pregnant women and for fathers shall be provided and also accessible reception facilities.

The Report, which underlies the adopted Resolution, states that the abandonment of children at birth is far from disappearing in Europe. It underlines that this is a complex issue, which involves rights of not only the mother, but also of the child and the father.

In the adopted Resolution, the PACE considered that respect for the rights

of children to live with their families and find out about their origins is an inviolable principle that must be included in all family policies. It therefore recommended that member states should urge mothers to reveal their identity, even if it is appropriate to introduce protected forms of childbirth offering some confidentiality to the mother.

In order to combat trafficking in newborn infants, the PACE also recommended compulsory registration, free of charge, of all children at birth and transparent procedures for the giving up of babies for adoption purposes.

To read the Report, go to:

<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc08/EDOC11538.htm>

To read the Resolution, go to:

<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta08/ERES1624.htm>

- The PACE is to prepare a report on **the inhumane treatment of people and illicit trafficking in human organs in Kosovo**. During its summer session the PACE's Committee on Legal Affairs and Human Rights therefore appointed the parliamentarian Dick Marty (Switzerland) to prepare a report on the matter. He will visit the region to gather information before presenting his conclusions to the PACE.

A group of 17 parliamentarians signed a Motion for a Resolution in April 2008 asking the PACE to look into the allegations. They appear in a recent book by the former Prosecutor of the

International Tribunal for the Former Yugoslavia Carla del Ponte.

To read this Motion, go to:

<http://assembly.coe.int/main.asp?Link=/documents/workingdocs/doc08/edoc11574.htm>

- "In several European countries there is a **widespread belief that the judiciary is corrupt** and that the courts tend to favor people with money and contacts. Though this perception may sometimes be exaggerated, it should be taken seriously. No system of justice is effective if not trusted by the population. Even worse, there are indications to show that people's suspicions are in some cases well justified."

This is how a recent *Viewpoint* by the Commissioner for Human Rights, Mr Thomas Hammarberg, begins. The *Viewpoint* was published at the end of June 2008.

In the article Mr Hammarberg recommends a comprehensive, high-priority program to stamp out corruption at all levels and in all public institutions.

To read this *Viewpoint*, go to:

[www.coe.int/t/commissioner/Viewpoints/default\\_en.asp](http://www.coe.int/t/commissioner/Viewpoints/default_en.asp)

- **The obligation of the member states of the CoE to co-operate in the prosecution of war crimes** is the title of a Motion for a Recommendation introduced by a group of parliamentarians at the end of April 2008. It states that "justice is an

indispensable ingredient in the process of reconciliation and that impunity should be fought resolutely”.

This Motion wants the PACE to:

- recall the provision of Article 1 of the Additional Protocol to the European Convention on Extradition stipulating that crimes against humanity and violations specified under the Geneva Conventions, as well as, any comparable violations of the laws of war will not be considered as political offences for which the extradition shall not be granted on the basis of Article 3 of the European Convention on Extradition,
- reiterate its recommendation<sup>1</sup> to the countries to introduce the customary law principle of *aut dedere aut judicare* (the duty to extradite or prosecute in international law) in their national criminal law,
- note with concern that, in several cases when the charges were raised, the states showed no willingness to either extradite them or to initiate domestic judicial proceedings.

To read this Motion for a Recommendation, got to:

<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc08/EDOC11602.htm>

- In a Motion for a Resolution a big group of parliamentarians brings **the death penalty** to the PACE's attention as an **unacceptable violation of human rights**.

In the Motion the group relates the fact that in the last ten years, the PACE has adopted several Recommendations on the abolition of the death penalty, “implacably reiterating its total opposition to the death penalty, which it considers as an act of torture and an inhuman and degrading punishment, and therefore a grave violation of human rights”.

Among the CoE member states, Russia and Azerbaijan are pointed out to follow another policy. And among the countries enjoying observer status at the CoE, the same goes for the USA and Japan. The Motion calls for PACE to consider “that dialogue with the states concerned must be resumed as a matter of urgency”.

To read this Motion for a Resolution, go to:

<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc08/EDOC11675.htm>

## Extreme Poverty

- During its meeting at the end of June, *the Conference of INGOs* of the CoE adopted a Recommendation concerning the adoption by the CoE of the guiding principles on “**Extreme poverty and human rights: the rights of the poor**” by the *United Nations Human Rights Council*.

In its Recommendation *the Conference of INGOs*:

- welcomes the draft guiding principles on “Extreme poverty and human rights: the rights of the poor”,
- encourages the CoE member

states to take part in the consultation process on the guiding principles which will go on until February 2009,

- urges the CoE member states to work to bring about an adoption of the guiding principles by the UN Human Rights Council in 2009.

To read this Recommendation, go to:  
[www.coe.int/t/e/ngo/public/Recommendation\\_member\\_states\\_en.asp#TopOfPage](http://www.coe.int/t/e/ngo/public/Recommendation_member_states_en.asp#TopOfPage)

To read the working document containing the guiding principles of the UN Human Rights Council, go to:  
<http://daccessdds.un.org/doc/UNDOC/LTD/G06/137/22/PDF/G0613722.pdf?OpenElement>

In this PDF-document you will find the chapter "Implementation of existing human rights norms and standards in the context of the fight against extreme poverty" with its Annex *Draft guiding principles* "Extreme poverty and human rights: the rights of the poor" on the pages 25 to 40.

## 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](http://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 get in contact with the JP Europe representative to the CoE Henrik Alberius.

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

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