

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

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Introduction

● A partnership between Council of Europe Publishing and Google Books Search has made 3.300 books available online in 2009. Council of Europe (CoE) books available in the database received 230.000 visits in six months, with around 2.1 million pages viewed. The most highly-viewed books are legal dictionaries, key extracts of case law from the European Court of Human Rights and titles from the "Ethical Eye" series.

Council of Europe Publishing mainly produces works on human rights and

international law. It also publishes works on health, social affairs, bioethics, education, culture, youth, sport, architectural heritage and environment.

To learn more, visit Council of Europe Publishing on: <http://book.coe.int/EN/>

● Among other very useful CoE texts to consult are the Reports prepared by the Rapporteurs of the Parliamentary Assembly's (PACE) commissions. You will find them on the web site of the PACE.

These Reports give a solid background to topics introduced during the sessions of PACE with loads of references to other CoE documents as well as documents prepared by other international organizations.

Below you will find some of the new Reports are introduced.

To find the Reports, use the indicated Internet addresses or go to:
http://assembly.coe.int/ASP/Doc/DocListing_E.asp

Human Rights

- In the debate on the state of human rights in Europe, which it holds every two years, PACE in its summer session urged member states to make the fight against impunity a priority by clearly stating at the highest political level that serious human rights violations committed or aided by state agents cannot be tolerated in any circumstances.

In this connection, the members of PACE believe that full and speedy execution of the judgments of the European Court of Human Rights in cases of impunity is the key to fighting this scourge in the member states.

In an adopted Resolution PACE also called on the Committee of Ministers to elaborate guidelines on the fight against impunity, drawing from the case law of the Court, its own work on the execution of judgments, pertinent Assembly resolutions and recommendations and the work of the European Committee for the Prevention of Torture, the UN and non-governmental organisations active in this field. It also called on the Committee of Ministers to consider the possibility of setting up an independent commission of inquiry to tackle the worst violations.

In her report in plenary, Herta Däubler-Gmelin (Germany) listed the different categories of impunity, which demand adapted strategies for their eradication. The many concrete examples given by the Rapporteur testify to the continued existence of this phenomenon in most member states in different forms, including wide-

spread abuses in conflict situations, murders of journalists and human rights activists, negligent killing by police officers or ill-treatment of detainees, and hate crimes whose perpetrators profit from lax law enforcement.

The summary of the Report states:

"The Committee on Legal Affairs and Human Rights insists that all perpetrators of serious human rights violations must be held to account for their actions, including the instigators and organisers of such crimes.

The committee considers the fight against the impunity of perpetrators of serious human rights violations as a priority for the Council of Europe and all national and international law enforcement bodies. Impunity must be eradicated both as a matter of individual justice and as a deterrent with respect to future human rights violations.

Such crimes take many shapes and forms, including large-scale violations of human rights in conflict situations, killings of journalists, human rights defenders and witnesses by "unknown perpetrators", abuse committed by police officers and prison guards covered by colleagues, and different types of hate crimes whose authors profit from lax law enforcement by biased officials or judges.

The Committee of Ministers of the CoE is urged to intensify its work on elaborating guidelines on the fight against impunity, drawing in particular from the case law of the European Court of Human Rights, from its own

work on execution of judgments and the pertinent resolutions and recommendations of the Parliamentary Assembly.”

To read the Report, go to:

<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc09/EDOC1934.htm>

To read the Recommendation, go to:

<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta09/EREC1876.htm>

To read the Resolution, go to:

<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta09/ERES1675.htm>

- In a debate on June the 24th PACE discussed the state of Human Rights in Europe and the progress of PACE's monitoring procedure. The parliamentarians saw a mixed picture.

Drawing a general picture of the Human Rights situation in 14 member states, those subject to the monitoring procedure (Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Moldova, Monaco, Montenegro, Russia, Serbia and Ukraine) or to post-monitoring dialogue (Bulgaria, Turkey and Macedonia), PACE noted that most have honored their commitments to ratify Human Rights conventions. The exception is still Russia's failure to ratify Protocols n° 6 and 14 to the European Convention on Human Rights. Other problems include judges who are not independent enough, slow court

proceedings, overcrowded prisons and ill-treatment by the police.

In its summary the Report underlying the debate states:

“Throughout the reporting period (June 2008 - June 2009), the Monitoring Committee has made public a number of information documents for all countries under monitoring procedure, with the exception of Montenegro, and for all countries involved in a post-monitoring dialogue and has presented no less than twelve reports to the Assembly, of which five were under urgent procedure.

The objective of this report remains to ensure that it can provide a meaningful contribution to the Assembly's debate on the state of human rights in Europe. Therefore, the present report, like last year's report, does not simply present the activities of the Monitoring Committee during the reporting period, but enters into the merits and summarises the main human rights issues raised in all member states currently under a monitoring procedure or involved in a post-monitoring dialogue. It follows a thematic transversal approach and in no way attempts to make any comparison between these states.”

To read the full Report, go to:

<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc09/EDOC1941.htm>

To read the adopted Resolution, go to:

<http://www.assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta09/ERES1676.htm>

- In his latest "Viewpoint" published on the 20th of July, the CoE Commissioner for Human Rights, Thomas Hammarberg, states that "members of minorities are more often than others stopped by the police, asked for identity papers, questioned and searched. They are victims of 'ethnic profiling', a form of discrimination which is widespread in today's Europe. Such methods clash with agreed human rights standards. They tend also to be counter-productive as they discourage people from cooperating with police efforts to detect real crimes."

The Commissioner stresses that "there should be an objective reason why a certain individual is stopped and searched, a reasonable and individualized suspicion of criminal activity. The colour of the skin, the dress or visible religious attributes are not objective reasons". He also underlines that these practices have "a detrimental and negative impact on the community in general. All groups in society should have reason to trust the police. All the more so for those groups who may be the targets of xenophobic action or even hate crimes."

Finally, he concludes emphasizing that the police itself should promote equality and prevent racial discrimination, be trained to work in a diverse society and recruit members from minority communities.

Published every two weeks in English, French and Russian, "Viewpoint" is available on the Commissioner's website: www.commissioner.coe.int.

Migration

- Europe's long-term displaced - however long ago they moved - continue to be entitled to the highest standards of protection, including decent living conditions, access to jobs, welfare and education, and a say in their future, according to PACE.

During its summer session PACE adopted a report by John Greenway (United Kingdom) on this subject. In the debate the parliamentarians said that only political solutions to the underlying conflicts will truly resolve the situation for such people, but in the meantime temporary or long-term integration is the best course, at least until those who wish to return are able to go safely.

In the summary the Report states:

"More than 2.5 million Europeans in 11 of the 47 member states of the Council of Europe continue to be deprived of their homes and possessions as the result of various conflicts lasting decades without resolution. These persons are internally displaced persons (IDPs), and most of them live in destitution, struggle to enjoy their rights and suffer marginalisation within their societies.

The report calls for reinvigorated efforts by the international community to find political solutions to the many unresolved conflicts and to build up strong legal and normative frameworks ensuring that IDPs can fully enjoy their human rights. The continued failure to tackle the root causes of displacement, impunity for past crimes and negligence of the interests of IDPs carry a serious political risk that the protracted

conflicts may re-ignite, which may in turn lead to new displacements.

Relevant national and local authorities should pursue targeted and consistent policies that aim at improving the human rights and living conditions of IDPs and enable them to integrate - even if temporarily - in their places of displacement or elsewhere in the country, without prejudice to the ultimate possibility of their return.

IDPs must be empowered to make voluntary and informed choices as regards their return or integration, provided access to effective procedures to reclaim property and possessions, provided with access to livelihoods and adequate living conditions, encouraged to participate in public affairs at all levels without discrimination and be involved in the decision-making processes on issues concerning them.

The report calls for continued international donor assistance to IDPs in terms of resources, technical expertise and knowledge sharing. It puts forward a number of concrete proposals to the Committee of Ministers, other bodies of the Council of Europe and the European Union in view of finding durable solutions for IDPs. It calls for improved observance of international protection standards and rights, and desired activities to tackle Europe's amnesia towards its "forgotten people".

To read the Report, go to:
<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc09/EDOC11942.htm>

To read the Recommendation, go to:
<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta09/EREC1877.htm>

- In a motion for a Resolution a number of parliamentarians of PACE urges the CoE member states among other things to tackle the causes of people fleeing their countries, not refugees themselves. The member states of the CoE should therefore substantially increase their development assistance to poor and the poorest countries, in order to develop a social infrastructure there which creates life changes and political stability. Within the framework of the World Trade Organisation and future bilateral and multilateral economic agreements, the member states of the CoE should urgently work towards a fairer distribution of global wealth in order to create a structural framework enabling, in particular, the eradication of poverty in Africa.

They also demand a halt without delay the practice of criminalising boat people in the Mediterranean Sea and depriving them of their rights. The fundamental right to physical integrity must once again be assigned the highest priority, and not sacrificed further to the obsession of sealing Europe's borders. All European actors concerned are urgently called on to comply with the applicable international agreements, which of course include the Geneva Refugee Convention.

This motion has not yet been discussed in a session of PACE.

To read to entire motion, go to:
<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc09/EDOC11905.htm>

Economics and Development

- In a Resolution adopted on the 23rd of June 2009, PACE considers that the main challenge facing international financial institutions such as the IMF and development banks such as the World Bank, as well as the governments that fund them, is to ensure adequate global liquidity and stability in order to restore growth and hence employment.

PACE also believes that financial institutions must play a major part in restoring confidence in the international financial system by contributing to the enhancement of its regulatory framework.

The parliamentarians also reaffirmed the principles in the PACE Resolution 1651 of 2009, which should be taken into account in seeking to come out of and soften the current recession and reform the financial system, including the need to safeguard the social and economic rights of citizens.

According to Kimmo Sasi (Finland), author of the Report on this subject, restoring health to the international banking system must be a top priority. In the summary of his Report he writes:

"The Report looks at the impact of the financial and economic crisis on some of the major international institutions that were set up to help stabilise and regulate the global economy, including

the International Monetary Fund, the World Bank, the World Trade Organization, the International Labour Organization, the Organisation for Economic Co-operation and Development, the Bank for International Settlements, the new Financial Stability Board set up by the G20 at its summit in London on 2 April 2009, as well as the G20 itself.

The Rapporteur considers that the main challenge facing the international financial institutions and the multilateral development banks, as well as the governments that fund them, is to ensure adequate global liquidity and stability in order to restore growth and hence employment.

In addition, such institutions must play a major part in restoring confidence in the international financial system by contributing to the enhancement of its regulatory framework. Restoring health to the international banking system must also be a top priority. And efforts must be stepped up to ensure that the least developed countries do not suffer disproportionately as a result of the crisis.

Hence the Rapporteur welcomes the coordinated steps taken by the G20 at its summit in London on 2 April 2009 as well as the ongoing reform measures introduced by the organisations concerned, which should allow them to respond more effectively to the present crisis and to act to prevent future turmoil."

To read the full Report, go to:
<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc09/EDOC11944.htm>

To read the Resolution, go to:
<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta09/ERES1673.htm>

To read Resolution 1651 (2009), which was reaffirmed by PACE in connection with adopting the new Resolution, go to:
<http://assembly.coe.int/mainf.asp?Link=/documents/adoptedtext/ta09/eres1651.htm>

Anti-discrimination

- The CoE has launched an Anti-Discrimination Campaign called "*Speak out against discrimination*". It addresses the mounting problems of everyday discrimination against certain population groups, which can be observed in many European countries in the context of increasing cultural diversity.

Run in partnership with journalists and media from across the continent, the campaign supports the CoE's fundamental human rights principles and its position on intercultural dialogue agenda, as set out in the White Paper on Intercultural Dialogue adopted in May 2008.

The media can make a crucial contribution to raising awareness on issues relating to intercultural dialogue and discrimination as well as to help foster public debate thus ensuring better mutual understanding between different communities, notably by providing different groups in society with an opportunity to receive and impart information, to express themselves and to exchange ideas.

The campaign supports the media sector's own efforts to play a

constructive role in an increasingly multicultural environment.

While fully respecting the independence and autonomy of media, their professionals and their organisations, the campaign pursues three interrelated objectives:

- To provide information on intercultural issues and on policies against discrimination initiated at national and European level through local partnerships between mainstream media and ethnic & diversity media and their professionals.
- To encourage good practice in reporting on intercultural and discrimination issues amongst media professionals working in a multicultural Europe.
- To contribute to increasing the expression of "diversities" of European societies through strong support for the access of minorities to media professions and productions.

The key focus of the campaign will be on various aspects of discrimination arising out of racist attitudes and prejudices, in particular those targeting the Jewish, Muslim and Roma and traveller communities.

The campaign has its own web-site with the address:
http://www.coe.int/t/dg4/anti-discrimination-campaign/About_us/CampaignPresentation_en.asp

Conflict Resolution

- History teaching can be a tool for promoting peace and reconciliation in

conflict and post-conflict areas, and a way to enhance tolerance and understanding. In their debate on this subject the parliamentarians of PACE stressed that a multiple perspective approach, rather than a single interpretation of events, will encourage pupils to respect diversity and cultural differences.

The adopted Recommendation, which is based on a Report by Cecilia Keaveney (Ireland), suggests focusing history teaching more on "socio-economic, cultural, artistic and heritage elements and less on politics", while assuring those concerned the necessary resources for research, training and innovation.

The summary of the Report states:

"History teaching can be a tool to support peace and reconciliation in conflict and post-conflict areas as well as tolerance and understanding when dealing with such phenomena as migration, immigration and changing demographics. A multiple perspective approach, instead of a single interpretation of events, will encourage students to respect diversity and cultural difference.

The Assembly points out several measures to be taken by countries signatories of the European Cultural Convention related to "what", "how" and "when" to teach controversial historical issues. It recommends that the Committee of Ministers continue to support the work of the Council of Europe in conflict and post-conflict areas on textbooks, manuals and teacher training."

To read the full Report, go to:

<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc09/EDOC1919.htm>

To read the Recommendation, go to:

<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta09/EREC1880.htm>

Environment

- By adopting a Resolution and a Recommendation after a debate on nuclear energy and renewable energies that took place on June 25th PACE invited member states to take nuclear energy into account in their policies for diversifying energy sources, as a means of reducing greenhouse gas emissions and global warming. Member states should also take concrete measures to solve the problem of radioactive waste storage.

At the same time PACE stressed, however, that this restructuring of the energy system should also be aimed at making renewable energies - solar, wind and hydro-power and geothermal - rapidly and comprehensively available. These forms of energy do not trigger any damaging environmental effects and ensure long-term energy security. A system based on renewable energies, the parliamentarians said, offers an opportunity to break down the current monopoly structures on the energy markets. PACE therefore asked the Committee of Ministers to call on member states to take the necessary measures for profitable large-scale use of renewable energies, ensuring that

locations were set aside in territorial planning for the generation of renewable energies.

To read the underlying Report by Bill Etherington (United Kingdom) and Jean-François Le Grand (France), go to:
<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc09/EDOC11914.htm>

To read the Resolution, go to:
<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta09/eRES1679.htm>

To read the Recommendation, got to:
<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta09/eREC1879.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.

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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