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## CoE Developments      October/November 2007

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### “War on Terror”

#### *Renditions and Secret Detention*

The Committee of Ministers has yet to condemn renditions and secret detentions which occurred in and through Europe and the complicity of European Governments in the US-led programme which has resulted in grave human rights violations. Nor has the Committee of Ministers responded to the recommendations made by the Parliamentary Assembly of the Council of Europe (PACE) and the Secretary General of the Council of Europe following their respective inquiries on this issue. (The CM has been requested to reply by year's end-but at present the issue has not been put on the agenda of any of the upcoming meetings of the Ministers Deputies.)

During its meeting from 6-9 November, however, the CM's Steering Committee for Human Rights (CDDH) intensely debated and finally agreed upon the text which it will transmit to the Committee of Ministers on this issue. As you may recall, IGO coordinators had been lobbying members of CDDH on this issue, and AI sent two communications to the CDDH prior to this meeting, the last of which was a joint letter with the ICJ (a copy is available on request from Johannes and Jill). One of our recommendations was for the CM to establish an expert group to discuss the issues (as a precursor to drafting standards).

The CDDH agreed to a watered down language communicating a similar recommendation. The thrust of the comments from the CDDH is to suggest that one option, as a first step for the Committee of Ministers in response to the CoE SG's proposals and the recommendations of PACE, would be “for the Committee of Ministers to convene an expert meeting with a view to identifying issues such as state secrecy and national security interests mentioned in paragraph 3 of Recommendation 1801 (2007) that could be addressed through intergovernmental follow-up, drawing on the work already undertaken in the Council of Europe and other fora, in particular the United Nations.”

The CDDH offered to send a representative to such a meeting and to contribute its expertise in human rights to such discussions and noted that “the participation of senior specialists of all relevant fields would [also] be required.”

Government representatives which spoke out in favour of earlier drafts of this text which were much stronger and were clearly in favour of making a recommendation that the CM take action on this issue included: **Austria, Belgium, Bosnia and Herzegovina, Croatia, Ireland, the Netherlands, Luxembourg and Switzerland**. Government representatives which argued in favour and proposed weakening amendments included: **UK; Poland, Romania, Denmark and France**. Given the “sensitivity” of the subject matter, most government representatives were acting on “instructions” from their capitals in the negotiation of this text.

Congratulations to all of you who have been working on the campaign to urge your country's representatives to the Council of Europe to call on the Committee of Ministers to end their silence and to take action.

We have heard that the following sections are taking the following Actions

**AI Austria:** The Section Director sent letters to the Chair of the Committee of Ministers and Chair of the Ministers Deputies (then Serbia) as well as to the Austrian representative to the CDDH permanent Representative of the Council of Europe; the issue and call were also included in the October edition of the Internal newspaper to AI members;

**AI Belgium (French):** The Chair sent a letter to the Chair of the CoE Committee of Ministers, and groups have written to members of the PACE (who are also MPs) and have a web action targeting the Chair of the Committee of Ministers using the CoE email address [CM@coe.int](mailto:CM@coe.int) .

**AI France:** sent letters to the Permanent Rep of France to the CoE; the Human Rights Minister within the Ministry of Foreign Affairs, Advisers on defence, security and foreign affairs and human rights of the Secretary of State for European Affairs, and the Deputy Director and an official working on the UN and international organizations as well as the CDDH representative and the French delegation to PACE.

**AI Ireland:** Sent a letter to the Chair of the Committee of Ministers and planned to start a web action in November and are hoping to get an opinion piece in one of Ireland's leading newspapers on this in the next few weeks.

**AI Italy:** the Chair of the Section sent an email to the Chair of the CoE Committee of Ministers in Strasbourg ([CM@coe.int](mailto:CM@coe.int)), and the section was exploring the possibility of a petition.

**AI Netherlands:** have put the action on the Section's web site and 70 groups and some 80 lawyers are working on the action.

**AI Slovenia:** have a web action running.

**AI Sweden:** the section planned to launch a post card action (aiming to generate a few thousand postcards to the Chair in Strasbourg) and the Section Director mentioned our calls on the CoE and EU during a television interview on 23 October; the section lobbied their CDDH representative in advance of the CDDH meeting in November;

**We have heard that the Committee of Ministers may discuss this issue at the end of December or beginning of January- we will keep you updated on any developments.**

**We urge all Sections to continue to act on the Action Request targeting the Committee of Ministers of the Council of Europe to end their silence and take concrete action aimed at ensuring accountability for the human rights violations which resulted from the renditions and secret detentions that have occurred in and through Europe and to take measures—including those recommended by the Secretary General of the Council of Europe and the Parliamentary Assembly of the Council of Europe-- to prevent such conduct in or through Europe in the future.**

**Please note that Slovakia has now taken over the Chair of the Committee of Ministers so all emails should be sent to the new Chair of the Committee of Ministers' Deputies at : [CM@coe.int](mailto:CM@coe.int) or by mail to:**

Ambassador Emil Kuchár  
Permanent Representative of Slovakia  
Chairperson of the Ministers' Deputies  
Avenue de l'Europe  
67075 Strasbourg Cedex  
France

***UN Security Council and EU Black Lists:***

On Monday 16 November 2007, the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (PACE) approved and published a report on UN Security Council and EU Black Lists, drafted by its Rapporteur, Senator Dick Marty (Switzerland). The report raises concern that the procedures for black listing (considered to be a targeted sanction) fall short of minimum standards of procedural protection and legal certainty and calls on CoE member states to use their influence in the UN and EU to improve the UN and EU's procedures for imposition of such sanctions.

The draft Resolution, attached to the report – which will be debated and then voted on at the upcoming Plenary Session of the Parliamentary Assembly of the Council of Europe from 21-25 January 2008 – includes a set of specific recommendations for making the procedures more fair.

A copy of the report can be accessed through the following link:

<http://assembly.coe.int/ASP/APFeaturesManager/defaultArtSiteView.asp?ID=717>

## Trafficking

On 24 October 2007, Cyprus was the 10<sup>th</sup> country to ratify the CoE Convention on Action against Trafficking in Human Beings. As the requisite number of states has now ratified the convention, it will enter into force on 1 February 2008.

Here is the link to the AI press release welcoming the occasion and calling on CoE member states and the European Community to ratify and implement the Convention.

[http://web.amnesty.org/aidoc/ai.nsf/ai\\_index\\_find?open=&Language\\_ISL=eng&ai\\_index=IOR300222007&ai\\_index\\_input=IOR+30%2F022%2F2007&ok=GO](http://web.amnesty.org/aidoc/ai.nsf/ai_index_find?open=&Language_ISL=eng&ai_index=IOR300222007&ai_index_input=IOR+30%2F022%2F2007&ok=GO)

As you will recall, the Convention establishes a two-pillar monitoring mechanism; one pillar is a body of independent experts called GRETA to be elected by the Parties to the Convention, within a year of entry into force of the Convention (i.e. by 1 February 2009). (The Committee of Ministers of the Council of Europe is tasked with creating the election procedures.) The other pillar, is a political body called the Committee of the Parties, (consisting of the Permanent Representatives to the Council of Europe of each of the Parties to the Convention).

In view of the nomination and election of the GRETA, Amnesty International published a document *Council of Europe Convention against Trafficking: 14 Recommendations to ensure the election of independent experts of the highest calibre to monitor implementation, AI Index: IOR 61/025/2007*. (The document draws largely on Amnesty International's work and recommendations relating to other human rights treaty bodies and mechanisms, as well as the definition of independence of human rights experts recently agreed by the UN Human Rights Council.) Here is the link to the document:

<http://web.amnesty.org/library/index/engior610252007>.

The document was launched at a high level conference about the Convention's monitoring mechanism organized by the Council of Europe on 8-9 November 2007. Amnesty International was represented at the conference by Widney Brown (Senior Director of the Legal, Policy and Campaigns Programs) and Jill Heine (Legal Adviser). The document and Amnesty International's efforts to ensure ratification and implementation of this Convention and during the process of drafting the Convention were praised by the Deputy Secretary General of the Council of Europe, in her opening speech at the Conference, by a number of governments and NGOs during the course of the two day discussions and during the closing speech presented by a Senior member of the Council of Europe's Secretariat. Here is a link to the speeches given at the conference, including Widney's speech:

[http://www.coe.int/t/dg2/trafficking/campaign/Docs/SeminarsConf/GretaConfSpeeches\\_en.aspx](http://www.coe.int/t/dg2/trafficking/campaign/Docs/SeminarsConf/GretaConfSpeeches_en.aspx)

**An Action Circular relating to the document will be circulated in the coming days, and AI's campaign for ratification by other CoE member and Observer states and the European Community continues.**

In the context of its campaign against trafficking, which will continue until the Convention enters into force on 1 February 2008, the CoE will be holding a regional conference in London on 10-11 December 2007. The conference will focus on procedures for identification of trafficked persons and assistance and protection measures, including the recovery and reflection period. Amnesty International will be represented at the Conference by Kerry Smith from AIUK and Jill Heine.

In addition, the Council of Europe published a study on **the use of the internet for recruitment for trafficking entitled: “Trafficking in human beings: internet recruitment”**. The study is available on the CoE website in English and in French: [www.coe.int/trafficking](http://www.coe.int/trafficking). Jill Heine represented Amnesty International at a Council of Europe *Seminar on the Misuse of the Internet for the Recruitment of Victims of Trafficking in human beings* in Strasbourg, on 7-8 June 2007. The Council of Europe anticipates publishing the proceedings of the seminar, which will also be available on through this link soon.

## Reform of the Court

The Committee of Ministers has mandated its Steering Committee for Human Rights (CDDH) “to examine in depth the concrete follow-up that could be given to the recommendations contained in the report of the Group of Wise Persons to the Committee of Ministers (November 2006)”. (As you will recall the Group of Wise Persons, was established by the decision of the Heads of State and Government at the 3<sup>rd</sup> CoE Summit in Warsaw in May 2005. (AI and our NGO coalition partners’ comments on these proposals are set out in a document available through the following link :

<http://web.amnesty.org/library/index/engior610022007>

At its meeting on 6-9 November, the CDDH decided to establish an expert group called to discuss and make further recommendations on aiming to address the work-load of the European Court of Human Rights; these discussions will likely lead to further reforms of the Court. The first meeting of the Reflection Group will take place on 12-14 December at the Council of Europe. Jill Heine will represent Amnesty International at the meetings of this Group and at the CDDH. The CDDH is to present proposals to the Committee of Ministers which do not require amendments to the ECHR by April 2008 and proposals requiring amendments to the ECHR by April 2009.

Taking up one of Amnesty International’s calls, the Committee of Ministers has also called on Council of Europe member states “to conduct national consultations with civil society as regards possible future reform of the ECHR system and report results to the CDDH”.

**IGO coordinators have been asked to urge their governments to hold consultations on future reforms to the Court and to inform relevant NGOs and members of civil society about this new reform process. Updates to these action requests will be sent as and when necessary.**

In addition, Amnesty International and our coalition of London-based NGOs working on the issue of reform of the Court sent a letter on 8 November 2007 to the President of the Court reiterating our views on a proposal made by the Group of Wise Persons to require that all applications to the Court be submitted on Application forms. We reiterated our concerns that any reform implemented by the Court must not prejudice individuals who were unable to access an application form. (A copy of this letter is available on request to Jill Heine or Johannes Heiler at [Europeigoteam@amnesty.org](mailto:Europeigoteam@amnesty.org))

## Rights of Roma Children to Education without Discrimination

An important Judgment of the Grand Chamber of the European Court of Human recognized that the placement of Roma children in special schools in the Czech Republic was discriminatory and violated their rights to education.

Here is a link to AI’s public statement:

<http://web.amnesty.org/library/Index/ENGEUR710022007>.

And a link to the judgment, which is well worth the read.

<http://cmiskp.echr.coe.int///tkp197/viewhbk.asp?action=open&table=F69A27FD8FB86142>

[BF01C1166DEA398649&key=66048&sessionId=3377312&skin=hudoc-en&attachment=true](http://www.coe.int/t/0900401680/BF01C1166DEA398649&key=66048&sessionId=3377312&skin=hudoc-en&attachment=true)

The day after the judgment, AI launched its report on how the system in Slovakia was failing to ensure the right of Roma children to access to education free from discrimination.

## **Russian Federation: Chechnya**

The Committee on Political Affairs of the Parliamentary Assembly of the Council of Europe (PACE) approved a report on the use of experiences of “the Truth Commissions”. The Rapporteur for the report was Andreas Gross (Switzerland), who also serves as the Committee’s Rapporteur on Chechnya. In the report and its draft Resolution (which will be debated and voted on during the upcoming Plenary Session of the PACE on 21-25 January 2008, it is stated that the experience of truth commissions may be an effective mechanism for Chechnya, but this decision would need to be made by the Chechen authorities.

We were happy to note that the draft report and recommendation adopted a line recommended by Francesca Pizutelli of AI’s International Justice Project, during the Committee’s hearing on the issue (which she and Victoria Webb attended on behalf of AI) a few months ago, namely that truth commissions which are established in accordance with basic principles of international human rights law and in consultation with victims and civil society, can play a useful complementary role to criminal justice, but cannot and should not be seen as an alternative to it and should not grant amnesties for crimes under international law.

## **Human Rights Defenders**

A recommendation of the Committee of Ministers of the Council of Europe on Human Rights defenders, which among other things acknowledges the important role that the CoE Commissioner for Human Rights plays in regards to promotion of the work of and protection of human rights defenders, including those at particular risk is one step closer towards adoption! The CDDH adopted the draft of this Recommendation at its meeting from 6-9 November 2007. The recommendation results from: a conference on human rights defenders held in the spring 2007 and was drafted by an inter-governmental sub-group of CDDH (skilfully chaired by a representative of Norway) in which AI, and other NGOs, the OSCE and the representative of Belgium played active roles.

(NO ACTION IS NEEDED and a copy of the Recommendation will be forwarded to you when it is adopted).

## **Chairmanship of the Committee of Ministers of the Council of Europe**

On 12 November Slovakia took over the Chair of the Committee of Ministers of the Council of Europe. (The Chair rotates each 6 months between the member states, in alphabetical order).

The programme of its Chairmanship will focus in particular on promoting transparency, (including NGO participation), and efficiency within the Council of Europe; and respect for and promotion of CoE core values: human rights, rule of law and democracy. In the next 6 months it will hold conferences on crime Problems and the Fight against Terrorism; a workshop on the European Social Charter; a conference on Education and Training of Roma Children and youth (April) and a workshop for its national NGOs.

Here is a link to the priorities of the Chair:

[https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Inf\(2007\)46&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Inf(2007)46&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75)

In view of the Chairmanship, AI together with partner NGOs issued a letter calling on the Slovakian authorities to use the opportunity of its Chairmanship to make real improvements on human rights in Slovakia, and in particular to address the discrimination faced by Roma children in accessing their right to education; the letter included three particular recommendations aimed at this issue and called for the authorities to ratify Protocol 12 to the ECHR (the freestanding prohibition of discrimination); and to accept the collective complaints procedure of the European Social Charter. A copy of the letter is available at: [http://web.amnesty.org/library/pdf/EUR720102007ENGLISH/\\$File/EUR7201007.pdf](http://web.amnesty.org/library/pdf/EUR720102007ENGLISH/$File/EUR7201007.pdf).