

Nyt fra Europarådet

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Council of Europe inquiry into alleged secret detentions and rendition flights in Europe - the Secretary General sends follow-up letters to 37 governments

Strasbourg, 10.03.2006 - The Secretary General of the Council of Europe Terry Davis has written to the Foreign Ministers of 37 of the 46 Council of Europe member states as a follow-up to his inquiry on the compliance of member states with their obligations under the European Convention on Human Rights in the context of the alleged secret detentions and rendition flights in Europe.

The countries concerned are the following: Andorra, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, France, Georgia, Greece, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Norway, Poland, Portugal, Romania, the Russian Federation, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine and United Kingdom. A letter was sent to Albania on 22 February.

The governments concerned have been asked to complete or clarify their replies in response to his initial request of 21 November 2005. The deadline for the replies to the follow-up letters has been set for 7 April.

For more information see: <http://www.coe.int/T/E/Com/Files/Events/2006-cia/>

The Council of Europe adopts a Convention on the avoidance of statelessness in relation to state succession

Strasbourg, 16.03.2006 – The Committee of Ministers of the 46 nation Council of Europe has just adopted a [Convention on the avoidance of statelessness in relation to state succession](#) (*).

State succession can lead to the emergence of a large number of stateless persons. The new treaty therefore builds upon the European Convention on Nationality ([CETS No. 166](#)) by developing more detailed rules to be applied by States with a view to preventing, or at least reducing to the extent possible, cases of statelessness arising from State succession.

The Convention, number 200 in the Council of Europe treaties series, will be opened for signature by the member states on the occasion of the 116th session of the Committee of Ministers that will take place in Strasbourg on 18-19 May.

(*) The text of this convention will also be soon available at <http://conventions.coe.int>, "new treaties".

The Council of Europe adopts a recommendation on research on biological materials of human origin

Strasbourg, 16.03.2006 - The Committee of Ministers of the Council of Europe has just adopted a recommendation to member states on research on biological materials of human origin.

The text applies to two situations in particular:

- research using biological materials kept at hospitals;
- research using biological materials kept in population biobanks.

The recommendation offers guidelines on the provision of information to, and obtaining of consent from, the persons concerned, prior independent scrutiny of the research project, and action relating to the security of the biological materials and the confidentiality of personal data; it also lays down the conditions in which such material may be transferred to other countries for use in research.

The text also contains rules about the governance of collections of biological materials and population biobanks.

As the first international text in this sphere, the recommendation supplements the provisions of the Additional Protocol to the Convention on Human Rights and Biomedicine, concerning biomedical research ([CETS No. 195](#)). The recommendation is to be re-examined within five years.

22nd quadripartite meeting Council of Europe / European Union

Strasbourg, 15 March 2006

CONCLUDING STATEMENT

(Uddrag)

The 22nd Quadripartite Meeting between the Council of Europe and the European Union was held in Strasbourg on 15 March 2006 at the invitation of the Romanian Chair of the Committee of Ministers of the Council of Europe. It was the first meeting between the leaders of the two organisations since the Summit of Heads of State and Government of the 46 Council of Europe Member States in Warsaw on 17 and 18 May 2005, at which relations between the Council of Europe and the European Union were one of the key items on the agenda.

The participants were for the Council of Europe: Mr Anton Niculescu, Secretary of State for Foreign Affairs of Romania, Chair of the Committee of Ministers, and Mr Terry Davis, Secretary General of the Council of Europe;

and for the European Union: Mr Hans Winkler, Secretary of State for Foreign Affairs of Austria, President of the Council of the European Union, and Ms Benita Ferrero-Waldner, Member of the European Commission, Commissioner for External Relations and European Neighbourhood Policy.

The conclusions of the meeting are as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNCIL OF EUROPE AND THE EUROPEAN UNION

The participants expressed their determination to join forces and cooperate better in order to provide a stronger answer to the new challenges and threats which citizens in Europe and the two organisations are confronted with in the XXIst century. Recalling the clear message of the 46 Heads of State and Government of the Council of Europe - to which all the EU Member States belong – on the need to ensure complementarity between the work of the Council of Europe and the other organisations involved in building a democratic and secure Europe, they are committed to the creation of a new framework for enhanced cooperation and partnership between the two organisations.

They are resolved to conclude, as soon as possible, a substantive Memorandum of Understanding giving tangible form to these arrangements. They called for negotiations to progress rapidly, in a positive spirit, taking into account the achievements, specificities and prerogatives of each institution. The participants took note with interest, in this connection, of the contributions from Council of Europe Member States that are not members of the European Union and from the Council of Europe Secretary General.

This work will also draw upon Jean-Claude Juncker's political vision of relations between the Council of Europe and the European Union. The report which the Heads of State and Government asked the Luxembourg Prime Minister to prepare in a personal capacity will undoubtedly bring an important

contribution to the reflexion on the partnership between the two organisations, and the Memorandum of Understanding that is being negotiated will have to take account of it.

Without prejudging the results of the above mentioned exercises, this could be achieved by means of specific initiatives and programmes in fields within the Council of Europe's and the EU's remit which concern the human dimension of European integration and directly affect European citizens, such as human rights, democracy, the rule of law, youth, education and culture.

European Neighbourhood Policy and Stabilisation and Association Process countries

The participants stressed that co-operation in these areas was directly linked to the principles and values underpinning the partnership between the two organisations, i.e. to the strengthening of democratic stability through the promotion of human rights, democracy and the rule of law.

It is therefore only natural that these policies should have a place in the Memorandum of Understanding being negotiated, particularly as the countries directly concerned have requested it.

Concerning in particular the European Neighbourhood Policy, it will also be necessary in the future to devise a joint reflection before relevant programmes are adopted, providing expertise for their preparation, implementation and follow-up. The participants agreed that this joint approach should be introduced as soon as possible so that initial results could be obtained in 2007. They considered that regular consultations involving the countries concerned, representatives of the Council of Europe and of the European Union could also be arranged to take stock of progress achieved and look forward.

European Union Agency for Fundamental Rights

The European Union provided information about the state of progress of the establishment of the Fundamental Rights Agency and expressed appreciation for the substantive contributions made by the Council of Europe in recent months. The Agency is expected to bring real added value to the EU institutions and will contribute to more coherence and consistency in the EU human rights policy. The Council of Europe recalled that the Warsaw Declaration and Action Plan reaffirmed the role of the Organisation as the primary forum for the protection and promotion of human rights in Europe. It is a common understanding that unnecessary duplication with the Council of Europe's activities is to be avoided. Participation of an independent person appointed by the Council of Europe in the Agency's bodies will be important in this regard. The Secretary General recalled the drafting suggestions he sent to Vice-President Frattini on 11 January and called upon the European Union to take them on board in the final text of the draft Regulation establishing the Agency. The European Commission reiterated its readiness to work immediately with the Council of Europe on the bilateral cooperation agreement which will ensure synergies and complementarity between the Agency and the Council of Europe. All participants supported the need for both organisations to conclude rapidly a mutually satisfactory agreement as soon as the text of the draft regulation is finalised. Finally, they agreed that the future Agency should constitute an opportunity to further increase co-operation and synergy between the two organisations and contribute to greater coherence and enhanced complementarity in the protection of human rights and fundamental freedoms, including in the field of racism and xenophobia.

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PACE President bitterly disappointed at the failure of the Belarusian presidential elections to meet international standards

Strasbourg, 21.03.2006 - René van der Linden, President of the Parliamentary Assembly of the Council of Europe (PACE), expressed his bitter disappointment that the Assembly's repeated calls for the Belarusian authorities to ensure free and fair presidential elections had gone unheeded.

"As we feared, the OSCE's preliminary findings have concluded that the election did not meet international standards," said Mr van der Linden. "Through a combination of manipulative influence by the administration, a lack of freedom of expression and information, unequal access to campaigning opportunities, state control of the mass media, the frequently violent harassment of opposition candidates and supporters and an

election administration that lacked independence, the Belarusian people were not permitted to choose their president through free expression of their political will.”

“The Parliamentary Assembly will continue to extend its full support to those in Belarus who yearn for democracy. The authorities must respect the right of the Belarusian people to exercise their freedoms of association, assembly and expression through peaceful demonstrations.”

“The international community must now give a firm, coordinated response. In particular, we must reinforce our efforts, both practical and political, to promote democratic forces and civil society in Belarus. The establishment of a Council of Europe Information Office in Minsk would represent a concrete step in this direction. As the Council of Europe approaches the beginning of the first ever Russian chairmanship of its Committee of Ministers, we can look forward to new opportunities for bringing about democratic reforms in Belarus.”

INTERNATIONAL ELECTION OBSERVATION MISSION

Ukrainian election free and fair, consolidating democratic breakthrough

KYIV, 27.03.2006 - The 26 March parliamentary elections in Ukraine further consolidated the breakthrough in the conduct of a democratic election process that began less than a year and a half ago. Overall, fundamental civil and political rights were respected. This enabled voters to make informed choices between distinct alternatives and to freely and fairly express their will, concludes the International Election Observation Mission in a statement released in Kyiv today.

The mission deployed over 900 observers, including 200 members of parliaments, from 45 countries to observe the elections.

“These elections can only be described as free and fair, and so it is the Ukrainian people who are the real winners,” said OSCE PA President Alcee Hastings, appointed by the OSCE Chairman-in-Office as the Special Co-ordinator for the short-term observers.

Renate Wohlwend, Head of the delegation of the Parliamentary Assembly of the Council of Europe (PACE) and co-rapporteur for PACE's monitoring of Ukraine, said: "Despite serious technical failings, in a clear break with the past, all Ukrainians have demonstrated their commitment to the democratic process."

“The media coverage was generally balanced, even though in the last days of the campaign, political views of the owners became more evident. All in all, the parties and candidates were able to get their different messages across through a vibrant media, giving the people of Ukraine the possibility to freely make a political choice and express it”, said Marek Siwiec, leader of the delegation of the European Parliament.

Pierre Lellouche, President of the NATO Parliamentary Assembly and head of its delegation, said: “The fairness and transparency of these elections confirms the irreversible changes in Ukraine’s democratic transformation. The door to Euro-Atlantic integration remains open to Ukraine and it is up to its people to decide when is the appropriate time to take the next steps.”

Lubomir Kopaj, Head of the OSCE ODIHR long-term Observation Mission, stressed the need for continued overhaul of voter lists and electoral legislation. “Ukraine has come a long way in just over one year. I urge the authorities not to lose momentum, now that we have seen what can be achieved. I hope that a serious case, described by our observers as deliberate fraud in Kirovograd, where local militia was observed directing the vote count, will remain an isolated incident.”

The campaign was competitive and dynamic and was covered comprehensively by media. This enabled parties and blocks to communicate their messages to the voters. The election was administered in a transparent manner and the presence of a large number of both partisan and non-partisan observers further enhanced the transparency.

Problems in staffing polling station commissions, and an excessive number of voters in some polling stations, caused a degree of disorder on election day. There was a political will to overhaul and update voter lists, but a limited number of errors still remains.

Election day was peaceful, despite overcrowding observed in 30% of the polling stations. These delays were largely due to the simultaneous holding of general and local elections and further compounded by the large size of the ballot. Because of the delays, voting outside the polling booth was observed in 12% of cases, possibly compromising the secrecy of the vote. In spite of these sometimes stressful conditions, a vast majority of the polling station commissions conducted their work in a credible manner, with virtually no incidents recorded.

Final Report of Alvaro Gil-Robles, Council of Europe Commissioner for Human Rights

Strasbourg, 29.03.2006 – The first Council of Europe Commissioner for Human Rights, Alvaro Gil-Robles will present a Final Report on his six years in office today.

The report analyses the challenges faced in establishing the new institution, the direction given to it and its potential for future development. It concludes with an assessment of the human rights situation in Europe and a warning against the lowering of standards in the fight against terrorism. The Commissioner insists on the need for greater efforts to combat discrimination and integrate national minorities and immigrant communities. Greater efforts are also called for to end Europe's continuing and frozen conflicts.

The report will be presented to the Committee of Ministers, transmitted to the Parliamentary Assembly and made public at 3 pm, in English and French, on the website of the Commissioner for Human Rights, www.commissioner.coe.int.

Alvaro Gil-Robles was elected the first Commissioner for Human Rights in September 1999. His term of office will come to an end on 31st March 2006. Thomas Hammarberg, former Secretary General of Amnesty International, the Olof Palme Foundation and Save the Children Sweden, will take up office on 3rd April 2006.

Dom afsagt af Den Europæiske Menneskerettighedsdomstol i nordisk sag

07.03.2006 Kajas v. Finland (no. 64436/01): Violation of Article 6 §1 (right to a fair trial within a reasonable time).

Møder i april

(hvor intet andet er nævnt, holdes mødet i Strasbourg)

- 3. Thomas Hammarberg overtager embedet som Europarådets menneskerettighedskommissær
- 4.-5. Konference: Igangsættelse af Europarådets kampagne "Building Europe for and with Children", 2006-2008 (Monaco)
- 5. Ministerkomitéen
- 7. Deadline for anden runde af svar til generalsekretæren angående hemmelige CIA fængsler og transporter (svar fra blandt andre Danmarks, Finlands, Norges og Sveriges udenrigsministre)
- 10.-13. Session: Den Parlamentariske Forsamling
- 26. Ministerkomitéen
- 27.-28. Konference: Evaluation of the 2005 European Year of Citizenship through Education: "Learning and living democracy: the way ahead" (Sinaia, Rumænien)

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