COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Speech by the Right Hon Terry Davis
Secretary General of the Council of Europe
United Nations Human Rights Council
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Yesterday, Mr Ján Kubiš, the Chairman of the Committee of Ministers of the Council of Europe and Foreign Minister of Slovakia, described the extent of existing co-operation between the Council of Europe and the United Nations in the area of human rights, both at the political and operational level. He referred to several areas in which we could increase our co-operation, such as human rights defenders, the fight against racism and intolerance, and the protection of children's rights.

The fact that the Council of Europe and the United Nations work closely together is no coincidence and no surprise. The Council of Europe is to Europe what the United Nations are to the world: an Organisation which exists to implement a commitment to fundamental human rights and the dignity of every human being, regardless of his or her sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Against this background, I want to draw attention to five specific and topical issues, which certainly need to be taken into account in planning our future co-operation.

First, the protection of human rights in the context of the fight against terrorism. All our Governments have an obligation to protect the public against terrorism, and international bodies such as the United Nations and the Council of Europe have the obligation to assist and contribute to the anti-terrorist campaigns. Our response to extremists must be robust and effective, but it must also be fair. There is no contradiction between these imperatives. The fact is that we cannot win the fight against terrorism with secret prisons, with torture, with inhuman and degrading treatment, with people being deprived of safeguards which are the foundation of democracy and justice. These methods are dangerous, and they are exactly what terrorists want. They want us to give up the most fundamental, defining features of our freedom. Respect for human rights is an asset, not an obstacle in the fight against terrorism.

I took note – with not too much surprise, I must say – of the recent admission by the British Foreign Secretary that so-called "rendition flights" did indeed pass through British territory. I want to give a lot of credit to the Government of the United Kingdom for coming out with their admission as soon as they were told about it by the United States of America. I also wholeheartedly support the pledge by the Prime Minister of the United Kingdom, Gordon

Brown, who intends to put in place some essential procedures to make sure that such violations of human rights do not occur in the future. The most appropriate way to do so, of course, would be to support the proposals which I presented to the 47 Council of Europe Governments 18 months ago.

Second, the issue of the United Nations and European Union blacklists. The Parliamentary Assembly of the Council of Europe has strongly criticised the procedures used by the United Nations Security Council and the European Union to blacklist individuals and groups suspected of having connections with terrorism. The criticism is based on the lack of procedural fairness and the violation of basic rights. Our Parliamentary Assembly called for a review of these lists in order to "preserve the credibility of the international fight against terrorism". It also stated – clearly – that this kind of procedure is "unworthy" of international institutions like the United Nations and the European Union.

In fact, the blacklisting procedure may be incompatible with the obligation of our member states under the European Convention on Human Rights. Personally I believe that our Convention should be considered *ius cogens,* and that states which are parties to the Convention must balance their obligations under the UN Charter with their obligations under the Convention.

Third, the abolition of the death penalty. Protocols 6 and 13 to the European Convention on Human Rights have led to

the abolition of capital punishment in Europe in all circumstances. There has not been an execution in any member state of the Council of Europe for 10 years. But abolishing the death penalty is not enough. We must make sure that the people living in our member states understand, accept and support the reasons for its abolition. That is why, in October last year, the Council of Europe established a European Day against the Death Penalty with which the European Union has now associated itself. I was very pleased to see the Resolution calling for a moratorium on the death penalty adopted by the General Assembly in December last year. This represents a welcome step towards the abolition of the death penalty world-wide. I must add that I was deeply saddened by the recent executions in Belarus and Japan. These executions are all the more regrettable in as much as they blatantly flout the United Nations General Assembly resolution.

My fourth point concerns the Campaign against trafficking in human beings, which is also one of the issues to be discussed at this session of the Human Rights Council. The Council of Europe Convention on Action against Trafficking in Human Beings entered into force on 1 February this year. This is the first international treaty which focuses on the protection of the fundamental rights of victims. It provides governments, and not only European governments, with a strengthened international legal framework to prevent trafficking. It also provides for assistance to the victims and for prosecution of both the traffickers and the "clients". I urge all member states of the Council of Europe and all those

non-member states which participated in its elaboration to ratify this important human rights instrument so that this modern form of slavery can be stamped out.

My final point is about Kosovo. There cannot be black-holes of Human Rights protection in Europe – and this applies to Kosovo as much as anywhere else. Whatever the status of Kosovo, the fact is that the European Convention on Human Rights, our Convention on the prevention of torture and inhuman or degrading treatment or punishment, and our Framework Convention on the protection of national minorities should apply in Kosovo in the interests of the people living there.

Our long-standing experience in all these areas and in the field of human rights in general can be of assistance to other organisations, such as the United Nations, and to countries around the world. We hope that the information provided by our monitoring mechanisms will be adequately reflected in the Universal Periodic Review, in the same way that our Council of Europe mechanisms pay close attention to the findings of UN bodies.

This is essential if we want to avoid double standards which would risk undermining and weakening our respective human rights mechanisms. By working together, by communicating with each other and by paying close attention to each other's work, we can be more successful and more effective in what we were created to do – protect the human rights and the human dignity of people in Europe and around the world.