

**Statement by the Council of Europe
Working session 9**

“Protection of human rights and the fight against terrorism”

“Abolition of capital punishment”

I will start my intervention by briefly describing the Council of Europe's action in fighting terrorism since it is one of the four priority areas dealt by the OSCE/Council of Europe Co-ordination group.

The Council of Europe's approach to the protection of human rights in the context of the fight against terrorism is manifold and involves, on the one hand, the setting of standards and, on the other hand, monitoring and awareness raising.

Council of Europe anti-terrorism specific conventions are:

- European Convention on the Suppression of Terrorism (1977) (CETS No. 90)
- Amending Protocol to European Convention on the Suppression of Terrorism (2003) (CETS No. 190)
- Council of Europe Convention on the Prevention of Terrorism (2005) (CETS No. 196)
- Council of Europe Convention on the Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (2005) (CETS No. 198)

These Conventions contain specific human rights protection provisions. For example, the Amending Protocol to the European Convention on the Suppression of Terrorism reinforces the possibilities of refusing extradition and mutual assistance on human rights grounds.

On 5 December 2006, OSCE Ministerial Council adopted a Decision calling on participating States to consider becoming party to and to implement their obligations under the existing international and regional legal instruments, including the Council of Europe Convention on the Prevention of Terrorism. Most recently, the Convention has received the endorsement from the EU (in the form of a statement by the EU Presidency on the occasion of its entry into force).

Guidelines on human rights and the fight against terrorism

As a first response to the terrorist attacks of 11 September 2001, the Committee of Ministers of the Council of Europe decided that *Guidelines on human rights and the fight against terrorism* should be drawn up quickly in order to remind states of their legal obligations. These Guidelines were adopted on 11 July 2002.

The Guidelines' basic principle is that respect for human rights is not an obstacle to the fight against terrorism. On the contrary, it is the best defence against terrorism.

The main reference text of the Guidelines is the European Convention on Human Rights itself and the case-law of the European Court of Human Rights. The Guidelines also draw on other documents, such as Council of Europe and UN Conventions.

The Council of Europe considered that it should take into account the very specific nature of the situation of victims of terrorist acts. It therefore decided to draft additional *Guidelines on the protection of victims of terrorist acts* which were adopted by the Committee of Ministers on 2 March 2005.

In 2005, the protection of victims of terrorism was also identified by the Council of Europe Committee of Experts on Terrorism as one of the areas for the focus of further action by the Council of Europe and in June 2006, the Committee of Ministers adopted Recommendation Rec(2006)8 of the Committee of Ministers to member states on assistance to crime victims, including victims of terrorism.

Following the 27th Conference of European Ministers of Justice (Yerevan, Armenia, 12-13 October 2006) on "Victims: place, rights and assistance" - where the European Ministers of Justice adopted a resolution calling for improved assistance to victims - the Committee of Ministers set up a Group of Specialists on remedies for crime victims (CJ-S-VICT). This Group of Specialists is entrusted with the task of:

- analysing the legislation and best practices in member states concerning civil, administrative and other remedies available to victims; and
- examining the role of publicly or privately financed insurance schemes in ensuring compensation for damages sustained by victims, in particular victims of terrorism.

In so doing, the Group of Specialists will work in close co-operation with the competent bodies of the Council of Europe and will focus on the production of a report based, *inter alia* on the analysis of replies to a questionnaire sent to national authorities. The Group has already met twice and will hold a further meeting in autumn 2007 in order to fulfil its terms of reference.

Monitoring of Anti-Terrorist Conventions

The above-mentioned conventions provide for their own specific follow-up mechanisms, namely, the *COSTER* for the European Convention on the Suppression of Terrorism as amended by the 2003 Protocol, and the *Consultation of the Parties* for the Council of Europe Convention on the Prevention of Terrorism. These follow-up mechanisms will begin their operation upon entry into force of these instruments. Pending that, the CODEXTER, which has overall responsibility for coordinating the Council of Europe's action against terrorism, particularly in the legal field, closely monitors the implementation of the Conventions.

Allow me now to turn to the other topic of today's session the abolition of death penalty.

"Europe has been a *de facto* death-penalty-free zone since 1997. This situation is largely the result of the Council of Europe's role as a pioneer in the abolition process. Death as a punishment is now regarded as a violation of fundamental rights, namely the right to life and the right not to be subjected to cruel, inhuman or degrading treatment. *De jure* abolition of the death penalty in all member States, and in all circumstances, remains a central political objective of the Council of Europe. Two Council of Europe legal instruments outlaw the death penalty: Protocol No. 6 to the European Convention on Human Rights (ECHR), the first legally binding instrument providing for the unconditional abolition of the death penalty in peace time, and Protocol No. 13 to the ECHR concerning the abolition of the death penalty in all circumstances.

With this in mind, on 26 September 2007 the Committee of Ministers has decided to establish a European Day against the Death Penalty on 10 October of each year. It constitutes a regional contribution to the World Day Against the Death Penalty, and aims at continuing to raise awareness. It is hoped that the Day can be pursued, as soon as possible, in the form of a joint initiative with the European Union, as initially planned."

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