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Committee on Political Affairs and Democracy

Proceedings of the Conference

Human Rights and Foreign Policy

Turin, 13 December 2012

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I. PROGRAMME

Thursday 13 December 2012

09.00 Opening of the conference

Welcome by Mr Piero Fassino, Mayor of Turin

Address by:

- Mr Jean-Claude Mignon, President of the Parliamentary Assembly of the Council of Europe
- Ms Gabriella Battaini-Dragoni, Deputy Secretary General of the Council of Europe
- Mr Luigi Vitali, Chairperson of the Italian Delegation to the Parliamentary Assembly

Introductory remarks: Mr Pietro Marcenaro, Chairperson of the Committee on Political Affairs and Democracy of the Parliamentary Assembly of the Council of Europe and of the Human Rights Committee of the Italian Senate

Moderator: Mr Luigi Vitali, Chairperson of the Italian Delegation to the Parliamentary Assembly

Guest Speakers:

- Ms Elsa Fornero, Minister of Labour, Social Policies and Equal Opportunities
- Mr Lamberto Dini, Chairperson of the Foreign Affairs Committee of the Italian Senate
- Mr Stavros Lambrinidis, European Union Special Representative for Human Rights
- Mr Vladimir Lukin, Ombudsman of the Russian Federation
- Mr Gianni Magazzeni, Chief of Americas, Europe and Central Asia Branch, Field Operations and Technical Cooperation Division of the United Nations High Commissioner for Human Rights
- Mr Nicolas J. Beger, Director of Amnesty International European Institutions Office, Brussels
- Father Paolo Dall'Oglio, Jesuit priest and leader of the Deir Mar Mûsa monastery in Syria

13.00 Buffet lunch offered by Mr Luigi Vitali, Chairperson of the Italian Delegation to the Parliamentary Assembly

14.30-16.30 Continuation of the debate on *Human Rights and Foreign Policy* with the participation of Chairpersons of Foreign Affairs and Human Rights Committees of National Parliaments of Council of Europe member States; and Mr Konstantin Dolgov, Special Representative for Human Rights, Democracy and the Rule of Law of the Ministry for Foreign Affairs of the Russian Federation

Moderator: Mr Pietro Marcenaro

II. SPEECHES

Message from Italian President Giorgio NAPOLITANO

as delivered by Mr Pietro Marcenaro, Chairperson of the Committee on Political Affairs and Democracy

I wish to convey my best wishes to the organisers, the eminent speakers and all the participants in the Turin conference on "Human rights and foreign policy".

Protection and promotion of human rights have now assumed key importance in international relations and are the subject of abundant and varied legal instruments.

Unfortunately, as can be seen from the daily news, there is a huge gap between the legal recognition of these rights, which are frequently undermined, and their effective implementation.

Today, my thoughts go out in particular to the people of Syria, whose very right to life is at stake and who are suffering unacceptable violence and indiscriminate brutalities, perpetrated by the regime against the civilian population,. At the same time, human rights are also being trampled underfoot in many other parts of the world. The outbreaks of intolerance and violence against Christian communities in some areas of Africa and Asia are another cause for great concern.

In the Mediterranean, region a new page has been turned, involving an opening-up of freedom and democracy. Here, the achievements, not least in respect of the status of women, are being safeguarded and reinforced.

Economic development and modernisation must go hand in hand with human dignity and the inviolability of human rights. These are fundamental values for both non-religious people and believers, no matter which cultural model we draw on.

In the hope that your discussions will permit a fruitful exchange of ideas and experience, thanks also to the presence of numerous well-qualified and internationally renowned experts, I wish you a good conference.

Mr Jean-Claude MIGNON, President of the Parliamentary Assembly of the Council of Europe

Ladies and gentlemen

It is a great honour for me to open this conference held in co-operation with the Italian Chamber of Deputies and Senate, and I would particularly like to thank our hosts, the Italian Parliament and the City of Turin, as well as our dear friend and colleague, Pietro Marcenaro, who was the instigator of this Conference.

The theme of our meeting – human rights and foreign policies – is by no means a trivial one. National interests traditionally play a key role in foreign policy.

The question therefore is how far states should be allowed to go in this direction. What are the limits that should never be overstepped? Are there not much more fundamental considerations than national interests which should serve as guidelines or at least as benchmarks to be referred to when devising foreign policies?

I believe that the fundamental values of human rights, human dignity, democracy and the rule of law which lie at the heart of the European project are actually "supra-national" common interests which all states must respect. These are not abstract notions but entirely tangible universal values. They are precisely those which enabled Europe to reconstruct itself after the Second World War and which, today, guide individuals, states and the international community in a universal quest for peaceful co-existence and co-operation between nations and cultures, and for progress and development.

It is especially symbolic that this discussion on human rights and foreign policy is being organised by the Parliamentary Assembly of the Council of Europe – a body which has made human rights the focus of its activities since its creation. Our co-operation model is based on values and principles which are willingly accepted by member states and transformed into binding standards, whose implementation is verified by various supervisory mechanisms and bodies, affording a prime example of how states can limit their own sovereignty. As a result the Council of Europe provides an excellent forum for political dialogue and co-operation between various stakeholders, both within Europe and well beyond its strict geographical limits.

Today's conference is a shining illustration of this, bringing together leading political figures including ministers and chairs of parliamentary committees on foreign affairs and human rights, senior officials from the diplomatic services, senior representatives of international organisations including the European Union and the United Nations, representatives of civil society and major human rights organisations such as Amnesty International and field workers who deal with these issues every day on the ground.

The aim of this conference is not to embark on lengthy theoretical discussions but to deal with concrete issues. Our goal is to identify the means of incorporating human rights into foreign policies so as to promote high standards, anticipate and prevent crises, act rapidly when faced with abuses and, above all, respond effectively to the consequences of serious human rights violations and humanitarian crises.

Before concluding, I would like, if I may, to dwell on one particular aspect of this question. In my opinion, as Europeans, and hence, in many respects, human rights pioneers, we have a prime moral duty to uphold and promote these values on the international stage. We must set an example, share our experiences and support our neighbours and partners in this process.

To be effective and credible, we must seek synergies between the European institutions specialising in human rights. Close co-operation between the Council of Europe and the European Union in this field is essential.

In this context, I welcome the fact that the European Union's Special Representative for Human Rights, Mr Stavros Lambrinidis, is taking part in this conference. Our discussions will be an excellent opportunity to align our political messages and co-ordinate our working methods.

Lastly, ladies and gentlemen, I would like to draw attention once again to the commitment and outstanding work of our dear friend, Pietro Marcenaro, who has prepared high-quality reports on human rights and foreign policy for the attention of the Italian Senate and the Parliamentary Assembly of the Council of Europe. His report to the Assembly contains many specific proposals and I am convinced that it will provide an excellent basis for our discussions today. I look forward to hearing your comments on these proposals and wish you an outstanding conference!

Thank you for your attention.

Ms Gabriella BATTAINI-DRAGONI, Deputy Secretary General of the Council of Europe

Check against delivery

Dear Chairman,

Together, we have gathered to tackle the task of fine-tuning our foreign policies, making them more in line with human rights and our core values.

We meet at a testing time for democracy. Within our continent and beyond, democracies are being confronted by new challenges.

This initiative is therefore a very timely one.

It is a pleasure for me to be back home in Italy. The city of Turin, or Torino, is celebrated not only for its Fiat cars and its football.

Torino is also known for its contribution to social progress.

It was for this reason that the European Social Charter was opened for signature here in 1961 and, some 30 years later, chosen for launching the process leading up to the Revised Charter.

And it is a city prepared to deal with new challenges.

As one of the cities taking part in the Council of Europe's intercultural cities programme, Turin is actively seeking to manage and explore the potential of the new cultural diversity we are now witnessing in communities all over Europe.

Turin has also been able to come a long way in dealing with the problem of the lengthy proceedings in the Italian judiciary and it stands out as exemplary also in this regard.

Ladies and Gentlemen,

The Council of Europe was founded as a response to the horrors of fascism and Nazism. "Never again" was the guiding principle of the European leaders who came together to create our Organisation.

In order to make the promise of "never again" a reality, the founding fathers crafted a legally-binding document, the European Convention on Human Rights, which to this day continues to be one of the strongest – and most functional – human rights instruments in the world.

In the six decades since the creation of the Council of Europe, our human rights system has evolved and expanded.

Today, more than 800 million people living in forty-seven countries benefit from our protection system: namely a pan-European legal space made up of more than 200 conventions supported by monitoring bodies and the European Court of Human Rights.

But without a doubt, we have much to be proud of. We have come a long way. However, it would be foolish to become complacent in the face of the monumental challenges that we face today.

Dear Friends,

For the Council of Europe Human Rights and foreign policy implies two things - the foreign policies of our individual member States and the policy of our Organisation towards countries which are not members.

We obviously do not determine our member States' foreign policy strategies on human rights and democracy.

But since you should always "practice what you preach", the Organisation contributes to credibility by consolidating Human Rights at home and throughout Europe.

For many of our neighbours, the events of the past year have yet again highlighted the vital link between human rights and democracy.

The vicious crackdowns in Syria, the protracted conflicts in the Middle East and, closer to home, the repression in Belarus, remind us of the universality of human rights.

They remind us of peoples' aspiration to live in democratic systems. In freedom and in dignity.

At the same time, the violent protests on the streets of Cairo last week are a sober reminder that change of this magnitude does not happen overnight.

Real reform does not come from the ballot box alone.

Along the way, there will be good days and bad days but it is our duty to offer our assistance and expertise to those who need it.

We believe this because the ideals on which the Council of Europe was built – Democracy, Human Rights, and the Rule of Law – are not exclusively European ideals. They are universal ideals.

For all the imperfections of our system – and yes, there are several – our European system of human rights protection is one worthy of emulation.

And here I come to the foreign policy of the Council of Europe - the policy towards our neighbouring regions.

Building on the Partner for Democracy status created by the Parliamentary Assembly, Secretary General Jagland has launched a new neighbourhood policy as one of the main priorities of the Council of Europe.

This is a policy of demand-driven, flexible and carefully tailored co-operation and assistance.

It sets out three main objectives:

First, to facilitate democratic political transition, notably through electoral legislation and the observation of elections.

Second, to help promote good governance within countries in the Council of Europe neighbourhood. This will be done on the basis of Council of Europe benchmarks in areas such as the functioning of the judiciary and the fight against corruption.

Third, and finally, we are looking to reinforce the Council of Europe regional action in combating trans-border threats such as human trafficking, organised crime and terrorism.

Let us not forget that we have an impressive tool-kit for putting this neighbourhood policy into action.

These tools include Council of Europe structures, such as the Venice Commission and the North-South Centre, which stand ready to contribute.

But they also include the wealth of experience of our member States.

Our Organisation has played a central role in promoting democratic transition in Central and Eastern Europe.

It is now our duty to pass on this experience to our neighbours so that they can benefit from it.

Furthermore, countries willing – and able – to forge closer links with the European legal space based on Council of Europe values and instruments will be able to accede to relevant conventions in the area of human rights protection, good governance and the rule of law.

The Council of Europe provides a framework for the implementation of this policy through action plans on specific co-operation activities, which ultimately develop a democratic culture in the country concerned.

These plans, called Neighbourhood Co-operation Priorities, are concluded between the country concerned and the Council of Europe, in consultation with international partners and financial contributors.

The Secretary General has proposed to further consolidate this policy and place it in a long-term perspective by introducing a new status for countries in the neighbourhood.

Of course, the Council of Europe is not alone.

Our strategic partner par excellence in our neighbourhood regions is the European Union which provides us with indispensable political and financial leverage.

Ladies and Gentlemen,

The events of the Arab Spring showed us what happens when foreign policy neglects human rights for too long and focuses solely on economic and geopolitical interests.

So the question is: how do we weave human rights considerations into our foreign policy?

How do we make them a permanent fixture within our member States decision-making structures?

Above all, as outlined in the Parliamentary Assembly resolution adopted in October, our member States should be doing more to project our standards and values in their national foreign policy strategies.

This should apply to their dealings with all countries, but in particular countries inside the Council of Europe and beyond whose governments act in blatant disregard of fundamental democratic and human rights principles.

I strongly believe that the promotion of democracy and human rights should be fully integrated in any foreign policy strategy, be it at the national, European or international level.

Human rights need to be at the forefront of trade policy and development co-operation.

Human rights need to be at the forefront of migration and asylum issues.

Human rights need to be at the forefront of our educational policies.

Human rights need to be at the forefront of conflict prevention work and security policy.

These are shaky times for our continent but the on-going economic crisis should not be used as a pretext for those who want to dilute certain rights or priorities.

The Council of Europe is doing its bit. Our member States must also be consistent in their approach.

Consensus and co-operation are key to safeguarding human rights.

It is in this spirit that I wish you all a successful – and productive – conference.

Thank you.

Mr Luigi VITALI, Chairperson of the Italian Delegation to the Parliamentary Assembly

Ladies and Gentlemen

It is a real honour and pleasure for me to be present today in this honourable forum. I wish to thank Mayor Fassino for his hospitality and to welcome the illustrious figures who are with us here today: Jean-Claude Mignon, the President of the Parliamentary Assembly of the Council of Europe, Elsa Fornero, the Minister for Labour and Equal Opportunities, Gabriella Battaini-Draconi, Deputy Secretary General of the Council of Europe, and Senator Marcenaro, as well as all the other participants and speakers.

Among others I welcome the Israeli and Palestinian delegations who, even following the vote by the United Nations to grant the National Palestinian Authority the status of an observer state, are continuing to work together within the ambit of the Council of Europe.

However, I wish to start with a word about Turin, this magnificent city which was Italy's capital for a short length of time.

After the Second World War, on account of its industrial tradition and the employment possibilities it offered Turin attracted many emigrants from southern Italy. They succeeded in carving out an economic role for themselves, if not precisely within a single generation.

However, modern immigration cannot be summed up solely as a quest for better economic conditions. Nowadays, our country and Europe as a whole are concerned by new migratory movements from other continents, with individuals who are ready to risk their lives to seek a livelihood, persons of different religions and cultures, which sometimes makes their assimilation, or indeed mere cohabitation, difficult. This is one of the focal points for the Council of Europe, above all as regards the activity of the Committee on Political Affairs, chaired by Senator Marcenaro, who also chairs the Italian Senate's Special Committee for the Protection of Human Rights. As he recently said, over the last century important advances were made regarding the protection of human rights and the emergence of a culture of tolerance and acceptance, but much still remains to be done. Unfortunately, the bill establishing an Independent Authority for the Protection of Human Rights is still blocked in the Chamber of Deputies, while Parliament recently approved two pieces of legislation to bring Italian law into line with the Statute of the International Criminal Court and to ratify the Optional Protocol to the UN Convention against Torture.

However, I would not wish to digress too far from the topic of this conference: foreign policy and human rights. One of the most serious political and humanitarian crises we have to confront at present concerns Syria, where it is feared that military escalation may lead the government in Damascus to make use of non-conventional weapons. Can we talk about protecting human rights in this case? That is out of the question. We are beyond that stage. We have to contend with a possible form of barbarism, and we sadly had occasion to observe the outcome of such barbarism some years ago in another Middle Eastern country. It is equally clear that the international community cannot stay silent, even if this is just a possibility and we do not know when it could materialise. The road towards a society that respects human rights is therefore not only marked by successes but also involves a risk of tragic regressions, but one thing is certain: protection of human rights has its basis in a commitment that cannot be set aside, and it is only through this commitment that the goals can be achieved. Credit should be given not just to politicians but to all those who makes this commitment their purpose in life, the field-fighters so to say, such as NGO representatives, ombudsmen and journalists. Their work, their views and their achievements must accordingly not be disregarded when formulating a foreign policy intended to be convincing as regards respect for human rights.

While one of the themes that will be discussed here concerns the tensions between Realpolitik and the defence of human rights, it is also necessary to determine universal human rights principles at an international level, as Senator Marcenaro pointed out in his resolution and recommendation on "Human rights and foreign policy", adopted by the Parliamentary Assembly of the Council of Europe in October. How many times has the application of double standards in foreign policy been denounced? Many times, unfortunately, and it has engendered bitterness and frictions that have never been resolved. This is one of the problems that will prove most intractable in future, precisely because of the tensions arising from Realpolitik and its unclassifiable, constantly changing needs.

It is on this point that I wish to conclude: the Council of Europe with its longstanding tradition of political debate in the defence of human rights, its steadfast focus on social change and its readiness to help spread democracy can, together with the European Union and through new forms of co-operation with that organisation, contribute to an improvement in foreign policy within its member states and, hopefully, in the world in general.

**Mr Pietro MARCENARO, Chairperson of the Committee on Political Affairs and Democracy
of the Parliamentary Assembly of the Council of Europe
and of the Human Rights Committee of the Italian Senate**

1. Many of you have perhaps already seen these images.

This is a street in Gaza City, and the body is that of a Palestinian accused by Hamas of collaborating with Israel and summarily executed. The body is being dragged through the streets behind a motorbike, as if it were a trophy, and this macabre procession is formed by other men on motorbikes.

Why, against a background of war, ruins and deaths under the bombs, do we focus on this particular image? Because we are the Palestinians' friends.

Because this image reveals a violence that goes beyond the violence of armed conflict, a violence which, in the most brutal manner, constitutes an attack on human dignity and on the physical integrity such dignity entails.

Today, Hamas is an essential interlocutor in the attempts to find a solution for the Middle East, as could be seen during the negotiations which provisionally ended the conflict. This is because of its strength and because the political changes in the Arab world have in many countries brought to power parties with the same religious and political roots as Hamas. We know that unity of the Palestinian world is a condition for any kind of negotiation. That is also the line that Abu Mazen has taken.

I think it is precisely because we are the Palestinians' friends that it is impossible to pretend we have not seen these images and to move on. I think it necessary to ask Hamas, which has control of Gaza City, to open an investigation, ascertain responsibilities, make the findings public and punish the guilty parties in an appropriate way. Failure to do so will mean allowing repeat incidents of this kind, which can give rise to accusations of war crimes and crimes against humanity.

The price of the political realism that prompts us to open up to Hamas and to seek to engage with it cannot be a silence that would amount to complicity.

Maybe the time has come to update the "two states for two nations" solution we have long supported in the Israeli-Palestinian conflict and to talk in terms of "two democratic states for two nations".

We encountered similar problems when the Parliamentary Assembly of the Council of Europe discussed and adopted its report on Syria. Assad's huge responsibility as the instigator of an unprecedented attack on his own people cannot justify or cause one to ignore the grave human rights violations frequently perpetrated by the rebels. I agree with Navi Pillay, the United Nations High Commissioner for Human Rights, that they should be referred to the International Criminal Court for war crimes.

2. A debate is needed within the international community, and first and foremost among European countries, to determine the fundamental principles that foreign policy must uphold and the limits that must not be overstepped.

Among those principles, I wish to mention support for human rights defenders, defence of and active solidarity with those who are victims of repression and who pay for their commitment with imprisonment and sometimes with their very lives, refusal to supply weapons to regimes that turn them against their own people, and refusal to supply equipment and technology designed to restrict and reduce freedom of expression and communication.

These are choices that become politically sustainable if they are taken not by a single country but as a common stand. Europe can play a key role here. I am thinking about what we can do as the Council of Europe, and above all what the European Union can do.

The document on these subjects produced by the EU's External Action Service and discussed in depth by the European Parliament is of great importance.

Stavros Lambrinidis, the new European Union Special Representative for Human Rights, to whom I reiterate my greetings and thanks, has a very advanced political basis on which to work.

As I already said in the report on human rights and foreign policy adopted by the Parliamentary Assembly, we are ready to harness all our resources and skills to the pursuit of the most fruitful co-operation possible, without any fear of competition or any bureaucratic defence of our own backyard.

I am convinced that the Parliamentary Assembly of the Council of Europe and the European Parliament could together ensure, on an institutional basis, that opportunities for debate, such as our meeting today, continue to be organised.

3. Conditions for the success of a foreign policy based on protection and enhancement of human rights, democracy and the rule of law, as opposed to double standards

This means that no country or government can legitimately concern itself with human rights elsewhere if its own house is not in order and that interference in others' affairs in defence of universal values is possible only if one is willing to accept the principle of reciprocity. This is naturally easier said than done.

On this point I merely wish to remind you how many outstanding problems of respect for human rights exist in the 47 Council of Europe member states, beginning with my own country, which is hosting today's conference.

I believe that the typical tendency of many western countries to focus on political rights and freedoms while at the same time ignoring social rights, which are a priority in so many of the world's regions, is also part of double standards.

However, double standards include another dimension, whereby the economic inequality resulting from levels of development and prosperity is supplemented by an institutional inequality and an inequality of rights.

This inequality is sanctioned and given tangible form at the highest level in the composition of the United Nations Security Council and the fact that the right of veto is reserved for only a few states. Nearly seventy years after its adoption this remnant of Yalta can, on reflection, be regarded as the mother of all double standards.

For this reason I consider that the initiative aimed at reforming the Security Council in a way that would reflect the new global reality and do away with the right of veto, replacing it with various guarantee mechanisms, is of huge importance and constitutes a goal that Europe should espouse and support with greater conviction and resolve.

4. Dialogue, Dialogue, Dialogue. Here something can be learned from the Council of Europe's experience, since it is an institution that seeks to promote human rights, democracy and the rule of law through dialogue, comparisons and persuasion.

It practices inclusion rather than exclusion. The tools it uses are observation, discussion and advice. Monitoring is a classic means of moral suasion relying on the publication of reports and the role that can be played by public opinion, which is also shaped in this way and derives support and legitimacy from international institutions.

Another very important lesson can be drawn from the UPR mechanism, the periodic review to which all states are subject every four years before the United Nations Human Rights Council. It is a procedure involving the government authorities and civil society of the states concerned, which undergo assessment by an independent authority, in the shape of the Human Rights Council and the Office of the High Representative. The review process culminates in recommendations to which the countries concerned must respond, stating those they accept and those they reject. I consider that the EU External Action Service's document on foreign policy and human rights contains a very interesting proposal, which would consist in transforming the recommendations freely accepted by the country in question into legally binding obligations. In my opinion, this proposal strikes a balance between safeguarding the individual state's autonomy and establishing an effectively enforceable supranational law.

A separate chapter, and I do not have the time to go into this theme here, could be devoted to the issue of supervision, monitoring and management of the conditional clauses concerning human rights and democracy that are now to be found in the majority of bilateral or multilateral treaties or agreements. This is doubtless another important means of bringing foreign policy and human rights closer together.

Dear colleagues and friends, may I conclude by saying that, if it were still not clear, the Arab Spring should have taught us that democracy can progress by the will of the people and is not an export commodity. The fact that the outcome of those uprisings is the subject of an on-going, and in some cases very hard, political struggle does not diminish the value of this lesson but rather increases it.

It is not for us to take the place of those who are fighting for democracy, in Europe and around the world, but we must support them. Use of force, that of disciplinary measures leading to exclusion from international organisations, that of economic sanctions or that of armed military interventions, can only be an extreme option of last resort. But because things are the way they are and they do not involve a humanitarian emergency that requires dramatic choices, human rights must become a permanent feature of our foreign policy, that of our countries and that of Europe as a whole.

If you agree, I would like us to conclude this conference by adopting a joint declaration and entering into a commitment to place these meetings on an institutional footing and hold them on a regular basis.

Thank you for your attention.

Ms Elsa FORNERO, Minister of Labour, Social Policies and Equal Opportunities

I first wish to greet Piero Fassino, the mayor of Turin, Jean-Claude Mignon, the President of the Parliamentary Assembly of the Council of Europe, Gabriella Battaini-Dragoni, Deputy Secretary General of the Council of Europe, and Luigi Vitali, the Chair of the Italian delegation to the Parliamentary Assembly. I also thank Pietro Marcenaro, who chairs the Parliamentary Assembly's Committee on Political Affairs and Democracy, for his introductory statement. I likewise greet all the authorities, illustrious guests, both national and international, and all the participants in this conference.

Today's meeting is an important opportunity for discussion and debate on the theme of human rights, for which the Council of Europe has always stood as guarantor. The principal purpose of the Strasbourg-based organisation is to create a pan-European democratic and political area guaranteeing respect for the fundamental principles of human rights, democracy and the rule of law.

These principles, which constitute the foundations of a democratic, tolerant and civilised society, are essential for the stability, economic growth and social cohesion of our country and of the entire continent and guide us in our search for solutions, our development of strategies and our formulation of policies in respect of the principal issues of common interest.

The European Union too has often drawn on the values and norms of the Council of Europe when preparing legal instruments and agreements applicable to its 27 member states. One need but think of the Treaty of Lisbon, which expanded the European Union's scope in many sectors where the Council of Europe had already amassed longstanding experience and built up significant skills.

The theme that concerns us today can be seen in different ways and contexts. For my part I have chosen to focus on the questions that come within my remit as Minister of Labour and Social Policies with delegated responsibility for Equal Opportunities. Moreover, there are no category A or B rights; everything is inter-related in the field of democracy and human rights and it is not possible to give one aspect of social cohesion preference over another. In a full-fledged democracy political, economic, social, and environmental and minority rights must go hand in hand, if we do not wish to create imbalances that could in the long term undermine the foundations of our society.

Today more than ever before, protection of human rights calls for a multi-level governance approach and response. This is because nowadays, with the financial crisis affecting Europe and much of the world, human rights may seem of secondary importance compared with the need to restart the economy. But they are not: the exclusion principle does not apply to human rights. Instead it is the inclusion principle that applies, generating positive external effects on society and the economy through greater mobilisation of human resources, which the negation of rights conversely tends to constrict.

The Council of Europe and the Italian government share and promote the same fundamental values – human rights, democracy and the rule of law. Their roles differ but are at the same time complementary. I am proud to say that, despite the focus on the global financial crisis, the Monti government has set special store by making a renewed commitment in matters of promotion and protection of human rights, in accordance with the international and regional legal instruments and systems in this field.

Evidence of this can be found in the recent signature and ratification of the Council of Europe's Lanzarote Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the optional protocol to the United Nations Convention against Torture, the Council of Europe's Istanbul Convention on Preventing and Combating Violence against Women and Domestic Violence, and ILO Convention NO. 189 concerning decent work for domestic workers.

Just last week I was in New York for meetings with UN Deputy Secretary General Eliasson and the United Nations Population Fund to discuss themes coming under my ministerial portfolio and my delegated responsibility for equal opportunities. I also intend to visit Strasbourg next January to discuss human rights related topics with the European Parliament and the Council of Europe.

It goes without saying that the complex, serious issues of violence against women, trafficking in human beings, sexual abuse and exploitation of minors – and these are "pet" issues for me – require the adoption of shared, transversal practices.

In my capacity as minister with delegated responsibility for equal opportunities policy, I nonetheless wish briefly to mention the action taken by the Italian government, and in particular the Department for Equal Opportunities of the Prime Minister's Office, which supports my strategic policy efforts in the key action areas of the Council of Europe.

With regard to violence against women, it was with deep conviction and with the aim of promoting a culture of respect for diversity that we signed the Istanbul Convention. I indeed acknowledge its fundamental importance as the first binding international instrument on the theme of violence and I will strongly support its full application and dissemination.

In February 2011 Italy adopted a national plan against violence and stalking, anticipating some of the Convention measures, particularly in the areas of creation of service networks, specialist training courses and financial support for local organisations and offices. Moreover, in 2009 Italy increased the penalties for perpetrators of acts of violence and introduced a new offence of "persecution" (stalking).

Concerning another Convention requirement, as early as 2006 the Department for Equal Opportunities undertook to combat female genital mutilation (FGM), launching an awareness-raising campaign, training sessions for those working in this field, support services for victims and in-depth studies concerning the phenomenon. To date it has allocated a sum of approximately 7 million euros. I wish to recall that Italy also plays a very active role at international level in the campaign against FGM and has become a key interlocutor with the African countries that signed the resolution condemning this practice which was recently adopted by the United Nations General Assembly. Our country also counts among the principal donors of the UNFPA-UNICEF joint programme on FGM for 2011-12, with a contribution of about 1 million euros.

Another theme dear to the Council of Europe is support for victims of trafficking and exploitation, issues which for thirteen years now have been one of the pillars of the action of the Department for Equal Opportunities. A new call for proposals in respect of social protection projects recently reached its closing date, and this year we again succeeded in funding the entire amount (some eight million euros). I wish to point out in particular that since the year 2000 some 20 000 people have received support, which shows the importance and effectiveness of these actions. On the subject of human trafficking I wish to reiterate the call I already made here in Turin, a city which is recognised as fulfilling the role of an advanced laboratory for social policies, for the launch of an anti-trafficking plan at national level.

Concerning the prevention of and fight against paedophilia, another pillar of the protection of human rights, I today wish to highlight Italy's recent ratification of the Lanzarote Convention. I was an active supporter of the rapid ratification of this convention, which can be regarded as a new opportunity for states that are convinced of the importance of joint action on the sexual abuse of children, the only means of combating a phenomenon that is now transnational in scope.

Mention should also be made of our "Child emergency" hotline 114, which can be called free of charge from all over Italy, 24 hours a day, by anyone who wishes to report a situation of danger or hardship involving minors, and of the recent public call for proposals regarding the funding of projects to care for child victims of sexual abuse and exploitation.

Concerning action against all forms of discrimination, I wish to mention the role of the Office against Racial Discrimination (UNAR), which belongs to the Department for Equal Opportunities. This office – whose de facto independence was recently acknowledged by the European Commission against Racism and Intolerance (ECRI) – aims to combat racism, to promote the integration of Roma, Sinti and Travellers present in Italy and to fight against homophobia.

In February 2012 Italy launched a national strategy for the inclusion of Roma, Sinti and Travellers, in line with the EU framework. In March the United Nations Committee on the Elimination of Racial Discrimination welcomed this initiative when Italy submitted its most recent periodical report under the UN anti-racism convention. Similarly, during his first visit to Italy, Mr Muižnieks the newly-elected Council of Europe Commissioner for Human Rights, recognised the importance of this initiative.

Concerning the rights of LGBT persons and the combat against discrimination on grounds of sexual orientation, the government is committed to promoting gender equality, human rights and the prevention and elimination of discrimination on grounds directly or indirectly based on sex, racial or ethnic origin, religion or personal beliefs, age or sexual orientation. In view of recent manifestations of homophobia, I wish to mention the project entitled "Diversity is an asset" managed by a group of non-governmental organisations in this field. In addition, UNAR has joined the Council of Europe programme to combat discrimination on grounds of sexual orientation and gender identity.

Among human rights, social rights are the subject of a specific instrument, the European Social Charter, which has treaty status and which was adopted and opened for signature in Turin in 1961, and subsequently revised in 1996. The link between the Charter and the city of Turin was reiterated during the 50th anniversary celebrations last year in Strasbourg, in which Mayor Fassino participated. The purpose of the Charter is to protect citizens in their daily lives as regards a number of fundamental freedoms and rights affecting their home, health, education, occupation, legal and social protection, freedom of movement and freedom from discrimination. The system to supervise the effective implementation of the Charter is principally based on the examination of annual reports submitted by the States parties to the European Committee of Social Rights, which is composed of independent experts. In response to that committee's conclusions, following an initial assessment of cases of non-compliance by the Governmental Committee, in which representatives of the state's parties participate, the Committee of Ministers of the Council of Europe can issue resolutions calling on states to bring their national practice into conformity. The States that have acceded to the Protocol of 1995 on the collective complaints procedure are subject to a further supervisory procedure, having its basis in the entitlement of organisations and associations recognised by the Council of Europe to lodge complaints concerning violations by the national authorities concerned of the principles enshrined in the Charter. Here too, the complaint can give rise to a resolution against the respondent State by the Committee of Ministers. This supervisory instrument derives its relevance from the fact that a complaint of unsatisfactory application of the Charter does not have to concern its violation in an individual case but may be a matter of safeguarding a common right, along the lines of the procedure existing before the ILO.

As the country that hosted the original negotiations, Italy immediately signed the Social Charter of 1961, the revised Charter of 1996 and the additional protocol on the collective complaints procedure of 1995. All three instruments were ratified within a very short time and are scrupulously implemented.

I could therefore conclude on a highly optimistic note concerning the role played by Italy in safeguarding and promoting human rights at the national and international levels. I am nonetheless convinced that this is never an easy task, as there can be no assuming that social advances have been achieved once and for all; on the contrary, they require a constant effort and commitment from both governments and civil society. An example particularly close to my heart is that of the Istanbul Convention, which Italy has signed and ratified. I worked hard to ensure that this happened as soon as possible, and permit me, in this connection, to express my pride and say how much I thank and appreciate the efforts of all those who worked towards this goal. However, I am at the same time aware that its full implementation in Italy will necessitate adaptations of national law. As regards trafficking in human beings, I reiterate the regrets I already voiced here in Turin that I have not been able to pay more attention to this, nonetheless key, theme in the course of my mandate and can but say how much importance I attach to the launch of the national anti-trafficking plan.

I therefore take my leave of you with the thought that legitimate satisfaction with the results achieved must never give way to self-congratulation. The human rights cause does not allow one to rest on one's laurels, and nor does it allow room for setbacks, since it is only through our constant, active vigilance that this cause can be advanced. I in fact believe that true Realpolitik consists in upholding principles, not the opposite. Rather than resorting to short-sighted tactical ploys, it is only through consistency of words and actions, consistency between the objectives announced and the instruments put in place, that we can lay sound foundations in the interests of our societies.

Mr Lamberto DINI, Chairperson of the Foreign Affairs Committee of the Italian Senate

I should like to thank our chairpersons, Mr Vitali and Mr Marcenaro, for allowing me to take part in this important meeting organised by the Parliamentary Assembly of the Council of Europe. I am sorry that I was unable to listen to the other speakers, so I may repeat things they said or refer to subjects already dealt with.

The subject which you chose for this conference relates to a vital question which, in my experience both in government and now in parliament, seems to me to be a distinguishing feature of Italy's foreign policy action.

With Mr Fassino during my Foreign Ministry years, we lived through a particularly fascinating and complex period. The end of the Cold War in the 90s opened up in the world, and even at the very heart of our continent of Europe, conflicts and tensions previously frozen by the Cold War.

The first response was the process of enlargement of the European Union, precisely because of the need to rebuild that European spirit symbolising democratic principles, respect for human rights and the principles of the rule of law.

These principles were crystallised in the Charter of Fundamental Rights adopted twelve years ago at the European Council in Nice.

During such a complex period of European life, we often forget that we have nevertheless set up in Europe a vital pillar of an essentially federal integration process, namely the pillar of rights and their judicial protection by the Luxembourg and Strasbourg Courts. It is clear from the case-law of these Courts that priority is always given to the rule that safeguards fundamental rights.

Drawing strength from these achievements, consolidated within the European Union and, more generally, in the broader Europe in which the Council of Europe works, the objective now is to ensure that these rights are respected at a higher level, worldwide.

Facing the challenges posed by today's world, a world that is ever shrinking, there is a growing need for the globalisation process to be democratised. The long-term objective must be to help to build a global democracy.

However, the realistic objective to be worked towards now is that of extending the rule of law to global level.

It was an extraordinary privilege for me, and a highly significant moment during my five years at the head of the Italian Foreign Ministry, when I signed the Rome Statute of the International Criminal Court, ensuring that Italy played an active role in this fundamental advance in international law.

Protection of the individual is nowadays the true and universal national interest. The fact that a court now exists which is unconfined by State borders and has jurisdiction to deal with the most serious violations of human rights (such as genocide, terrorism, crimes against humanity and war crimes) is an extraordinary and epoch-making advance in quality along the road to building a global democracy, which, as Kant said, is the only way of ensuring permanent peace and justice between Nations, and which is also enshrined in extraordinarily clear fashion in the Italian Constitution.

I believe that Italy, inspired by these principles, should be proud of having successfully made human rights central to its foreign policy over recent decades.

We did this firstly at European level by making a vital contribution to the drafting of the Charter of Fundamental Rights and to getting this made a full part of the European Treaty system, with clear binding force. We also did it at a more universal level through the Rome Statute of the International Criminal Court and through the battle for a moratorium on the death penalty. We are still doing it today – and at this point I must give particular credit to the work of the Senate, prompted and encouraged by its vice-chair Emma Bonino – on the sensitive issue of the prohibition of female genital mutilation, which has at last been presented for consideration by the UN General Assembly.

We can certainly say that it is now a truly distinctive feature of our foreign policy that we have included in our action the principle that the law extends beyond the borders of the nation-state and finds within itself a twofold responsibility to both our own society and the world.

We are aware that threats to freedom can today stem precisely from the only monopoly that civil society cannot yet do without: the monopoly of power held by the State.

But now that the International Criminal Court exists, human rights are protected not only within the State, but also “against the State”, and even against the State of which a person is a national.

I should like to acknowledge the intense activity of the Senate committee chaired by Mr Marcenaro, and I welcome the Resolution based on his report, now approved by the Parliamentary Assembly of the Council of Europe. As this document makes clear, the protection of human rights must become an essential part of European countries’ diplomatic work at every level and in every place.

No political reasoning or economic convenience could make respect for human rights anything other than an essential reference point in 21st century foreign policy, at the forefront of European external policy.

Of course, when dealing with other countries, with different societies and cultures, we must be aware that, as human rights develop, we need to be patient and rely on time to teach others. It is often the case that precipitate use of sanctions or other action can be counter-productive.

We must in fact bear in mind that there is a scale of seriousness of violations, and that historical and cultural processes sometimes need longer time spans.

I think that we need to move gradually when necessary, albeit with a clear ultimate objective, favouring crisis prevention over conflict resolution. We must give incentives priority over sanctions in a context of precise rules free from double standards.

The use of force should be the last resort; when we start international action we should always take into account the more vulnerable component of civil society, as well as the risks that sanctions may actually strengthen the powers of despotic regimes.

Beware creating the idea that under international law might prevails and that some States may be regarded as more equal than others. That would very much run counter to our best political and cultural traditions, according to which the law protects and defends the weakest.

I shall conclude by saying that we must learn always to understand others’ reasons. In my view this is vital for any foreign policy intended to achieve good, positive and constructive results.

Mr Stavros LAMBRINIDIS, European Union Special Representative for Human Rights

I am coming fresh from Strasbourg where I had the unique opportunity to meet with some of the CoE major institutions – with the President of the European Court of Human Rights, with the President of the Venice Commission and with the Committee for the Prevention of Torture. Only a week before that, I had the pleasure of having an extensive discussion with Secretary General Jagland in Brussels. It was the first time we had the chance as we have missed each other on a number of occasions since I assumed my duties 3 months ago. We were both very happy to be able to meet. I have also met with Nils Muižnieks, the Human Rights ambassador of the CoE, whom I have been cooperating closely with since almost the first day that I assumed my duties as EU Special Representative for Human Rights.

Dear friends, what happened 3 or 4 months ago in the European Union was a "quiet revolution" for human rights. The EU adopted a strategic framework for human rights and it in parallel adopted a concrete action plan for human rights. These are not merely nice words but 97 things that we commit ourselves to in promoting human rights in the next 3 years. It also appointed a Special Representative for Human Rights and I was honoured to be nominated the first EU Human Rights Special Representative..

I will focus briefly on 6 main challenges that we face in the EU and as members of CoE and challenges that the EU and the CoE together can address and resolve much more effectively than each one separately.

1. The first challenge is working together and working together even better than what we have done in the past. That goes both internally in the EU and between the EU and the CoE as well as with other regional mechanisms. Let me explain what I mean.

My mandate includes increasing the "coherence" and the "effectiveness" of EU human rights policy around the world. The coherence is something internal - it talks about the EU's own institutions. It focuses on the fact that the European Commission and a number of commissioners do a lot on human rights and have a tremendous amount of responsibility and funds to do so whether this is in, for example, the neighbourhood policy or whether it is in immigration policy. It requires that the EU External Action Service, which is responsible for the foreign policy of the EU, utilizes all the instruments to conduct political dialogues on human rights with countries around the world and we do. It also requires the Member States themselves on the ground with their embassies to be active on human rights on their own accord and the European Parliament to be politically present all over the world with Members of Parliament delegations in different countries and regions. It is, therefore, important for us internally to work together.

As regards effectiveness, if you were to add to the cohesion part of the mandate, it requires the EU together to work much better with everyone outside. I am very pleased in fact that about 10 of the actions in the Action Plan mention explicitly areas and actions to be applied on the basis of recommendations, expertise supplied from, or directly with the CoE. Not only is the EU's greater emphasis on human rights not breaking the EU away from its partners, but in fact the EU is committing to work even closer together with its partners and to utilize its complementarities. This is precisely what we have to promote and I am committing to doing so.

I think a classic example is the EU-CoE cooperation in the CoE's new neighbourhood emphasis and neighbourhood policy. Many of you know how intensely the EU supports this presence of the CoE and this ambition to be able to use CoE benchmarks in the neighbourhood as well. I have to say that in my trips up to now and in my contacts, I have noticed, especially in the Arab countries, how highly valued the Venice Commission's recommendations are, how highly valued that expertise that the CoE brings to the table in countries particularly now in transition where constitutional changes could make a huge difference to where they go.

2. Second point that I would like to raise is that the EU set the bar very high and we have a responsibility to fulfil our obligations. We of course expect and hope to be judged on the basis of how we do as 27 member states and as member states of the CoE through the procedures that exist for all members of the CoE. Oversight of the CoE over its members' human rights and fundamental rights performance is perhaps the greatest value added that the CoE brings to the neighbourhood and to the world.

But in addition to each country's internal human rights record, please note what we [the EU] committed to do positively in the Action Plan outside of our borders, because we committed to a lot. We are saying that our trade policy, our development policy, our anti-terrorism policy, our environmental policy around the world - will have human rights not simply as a footnote but as a silver thread, as a central part of those different policies. Of course the challenges are great because if they were easy we would not all be struggling to achieve them. If financial interest never over-powered human rights then there would not be an issue to

discuss. But very often financial interest, geostrategic interests, and other interests are there and can create a conflict. I would argue that that makes sense to some degree. A country and a region have many different foreign policy priorities and not just one. But the EU made the open commitment we made -- a unanimous one -- that we will not allow human rights to take second place.

3. Third point: Around the world and regionally today, including in the CoE region, I believe that there is a strong threat to civil society. The space for civil society and for NGOs is shrinking, whether this is through restrictions to funding, possible difficulties created to their registration, intimidation and silencing NGO members, arresting them, harassing them or in the worse possible cases killing them. It is absolutely clear to me that NGO space is shrinking and it is of deep concern to the EU that this is happening. It is an imperative for us to protect NGOs in this particular instance.

Three weeks ago we initiated the first EU-Egypt task force in Cairo. It was extremely important for us to ensure that the 200-300 business people, all the EU commissioners, all the members of the Egyptian government, the Prime Minister, the President - that all felt that the Civil Society part of that meeting was as valuable, important and on an equal footing with the tourism part, the investment part and the development part. This was not always an obvious exercise from all sides but in the end we achieved that.

What I am trying to say I guess is that emphasis on human rights and on civil society when so many interests are in the same room at the same time will never happen automatically, even among people who may actually be favourably disposed, let alone among people who might not be. You have to be committed to supporting civil society and not just financially but in practice and on the ground. Civil society is not the enemy, but it is also not the "appendix" of any government. In fact civil society and NGOs can be nice if they want to, but they do not have to, it is not their job. Their job is to be pushing the rest of us in the direction that each member of civil society sees appropriate to change a part of policy and a part of the world for the better. Of course, governments have no obligation to agree with everything civil society says; but they have an absolute obligation to protect civil society's right to be able to think, to be able to present and to exchange its views, without being afraid of being harassed, discriminated against, or imprisoned. That is a government's obligation and that obligation is not being upheld by many of us in the world today and in some of the CoE as well.

4. The fourth challenge that I would like to highlight, is the on-going challenge against the "universality" of Human Rights. This is, as it were, the "big elephant in the room." There is an attack on universality - the universal nature of human rights -- and it happens almost every day and it happens certainly within the bounds of the CoE as well. I am afraid that our arguments have gotten rusty in that respect. As those who wish to attack universality are coming very well prepared, it does not do any more to just reply that "we have signed the Universal Declaration of human rights and, you know, therefore that's that". I am deeply concerned about the resurgence of discussions of unspecified notions of "traditional values," or other discussions around the world about "defamation of religions" as opposed to discussing about every individual right to believe or not to believe in peace. I worry about discussing the protection of religions or governments or of an unspecified notion of traditional values that may well work counter to the universal application of the human rights that all of us in this room have committed to uphold.

Indeed, I would argue that more than anything else it is the "universality" of human rights that is the beauty or the power of them. And that is because human rights are the universal language of the powerless against the cultural relativism of the powerful. You will almost never hear a journalist who is being silenced by his government saying "please do not interfere on my behalf because human rights are not universal". You will almost always hear a government silencing a journalist telling you not to interfere. You will almost never hear a wife being abused by her husband saying "please do not help me, it is OK, my culture is different". You will almost always hear the husband abusing the wife saying "this is my tradition, keep away."

The reason that we are all in this room is not in order to "impose" any one's values upon the other. Democracy does not threaten cultural difference, but it does "threaten" -- because it can eliminate them -- cultural clashes, and that should be precisely what we want to achieve in our complicated world.

5. Fifth point, we are arguably not talking enough about economic, social and cultural rights, and in fact they are part of the indivisibility and universality of human rights. When I say "we" I mean at least the EU, I do not mean to impose it on all the countries of the CoE - but the fact is that civil and political rights are hugely important, and economic, cultural and social rights are equally important on the human rights agenda.

When I recently spoke to NGOs, to government officials in the African Union, to my counterpart in the Russian Federation, to people in Mexico - all mentioned in one way or another that labour issues, issues of lack of growth, of poverty, income divergences and the fact that in some cases we do not have a roof over a

head or food on the table - cannot be ignored when you talk about human rights. I agree and I submit to you that the EU is, in practice, at the forefront of economic, social and cultural rights. The 27 member states of the EU are those that many in the world look up to because of the remarkable safety net that we have created in our societies, because of our labour standards and laws that we have established. It was not easy. It took decades sometimes, but we have the opportunity to actually help with our experience and help others who are in the stage of looking at different models. Furthermore, the EU is the largest donor by far in development aid around the world. What is EU developmental aid if not human rights aid? If spent correctly it addresses poverty, addresses inequality, and addresses women's exclusion from the work force. We do not call it human rights but that is precisely what it is.

6. Finally, let me mention that, in my view, no one is "perfect" in the application of human and fundamental rights and no one should pretend to be perfect, and that includes the EU. I spent 7 years as a member of European Parliament fighting against decisions that the European Commission, the European Council and the member states were making on fundamental rights that I believed were wrong. But while I believe that no one's perfect, this does not mean that I therefore believe that everyone is equally good or equally bad in protecting and promoting humans rights. I do not think that everyone protects them the same way and I do think that some people and some countries violate them much more than others I am particularly proud, in that context, about what the EU has done for the protection, defence and promotion of human rights, at the same time that I have strongly criticized what I saw as the EU's shortcomings.

So I guess the true measure of a true democracy of any country that wants to be a proud member of the CoE is this: Can I debate in rooms like this with people from different countries openly about human rights violations? Can I debate the problems? Can I fight to get solutions to HR problems that I see and want changed? Can I talk to people, NGOs and others without the danger of me or them being labelled traitors to their countries, labelled foreign agents or terrible people? Can I do all of that without the threat that I will be ridiculed or silenced, persecuted or prosecuted? And at the same time, can I talk to partners with whom I even disagree without only pointing fingers? Can I also try to join hands, can I try to find in disagreement opportunities to work together, to change things to the better? If I can do all those things then maybe that is the ultimate measure of a vibrant democracy. And maybe that is what all of us in this room should be striving for.

Thank you for your attention and I look forward to our cooperation.

Mr Vladimir LUKIN, Ombudsman of the Russian Federation

The problem of human rights in the contemporary system of international relations

The role of the humanitarian dimension in international relations is steadily growing in step with the development of the system of a global society infused with the economic and mutual interdependence of States. The importance of this topic was already clear at the time of the League of Nations, whose work constituted the first large-scale attempt to devise universal international humanitarian standards. The experience of League of Nations was heavily drawn on in the historical context of post-war peace, when the member countries of a new worldwide international organisation - the United Nations Organisation - agreed on a set of humanitarian standards in 1948, namely the Universal Declaration of Human Rights, the foundation stone of every modern international human rights system.

Accordingly, the chief task of the human rights movement in the international sphere is to disseminate and establish a universal framework system of values which States recognise and voluntarily undertake to fulfil. However, human rights as a universal phenomenon co-exists in the international sphere with the objective wish of States to assert their own individual interests, or at least what their governing elites define as such at that moment in time. This frequently leads to a situation in which the argument of the universal nature of human rights is used to justify policy that often has a totally oblique link to humanitarian values, which in turn gives rise to mutual accusations of double standards and ultimately discredits the Convention on Human Rights as a whole. Situations like this are all the more dangerous since the most vocalised global interests in the modern world are those of the biggest countries with vast political influence and, as a result of historical circumstances, a significant resource in their practical implementation of declarations of their commitment to the aims of human rights protection. Under no circumstances must that resource be misappropriated to achieve instant political or other gains to the detriment of the true humanisation of life of the entire international community.

International society could objectively be seen as having matured over what was already a fairly lengthy period, to a point where the issue of human rights in the context of international policy shifted to a new level, after breaking away from the system of relations that typified the Cold War era.

The political and military opposition of West and East in the second half of the 20th century forged a model typifying debate on humanitarian values, the chief conclusion of which for either of the sides was "I am good and you are evil". Soviet propaganda accused the USA of engaging in a policy of racial segregation and contempt for the economic and social rights of a substantial part of the population, while the USSR was condemned for harshly repressing political and civil freedoms. In parallel, both superpowers and their allies were actively projecting their bilateral relations onto their dealings with countries of the "third world", which had to prioritise one of two sets of values to gain their entry ticket into either the western camp or the camp of the so-called socialist countries. After the disintegration of the communist bloc, this approach of counting countries as members of one's own club or as outsiders subsisted in new conditions. The countries which declared their devotion to the principles of respect for human rights were allowed to "join the club", even if their actual practices showed completely flagrant examples of direct violations of basic human rights protection principles. That is what happened with Russia, when the State, wielding supposed moral authority in the humanitarian sphere, proceeding on the basis of entirely transparent and opportunistic considerations, preferred "not to notice" serious violations of international humanitarian standards committed by the Russian authorities during the parliamentary crisis in Moscow in October 1993.

I believe that this example is a fine illustration of the obvious fact that, for countries where democracy is developing (which include Russia), a commitment to democratic political rhetoric is not necessarily a panacea against human rights violations. And inversely, if the political system of a given country does not possess a full and operational set of democratic characteristics, this is not a single and absolute criterion for considering that human rights do not exist in that country at all.

As an expert in Russian-American relations, I know perfectly well that foreign policy interests can instantly transform human rights practices in a given country, and to a certain extent this theatre of the absurd still goes on today.

I believe that one way out of the vicious circle of mutual accusations might be a conscious attempt to take humanitarian issues out of the framework of current foreign policy interests. Of course, it would be unrealistic to think that countries' foreign policy could be completely freed from the temptation of playing the "trump card" of human rights. However, it is possible to try to counterbalance the self-centred foreign policy interests of countries within the framework of existing international institutions. We are actually seeking to create a model for such relations in our work at the Office of the Commissioner for Human Rights in the

Russian Federation. Consciously distancing ourselves from the political component (in strict compliance with the Russian Constitutional Law on the Federal Ombudsman), we consider human rights violation issues in their "pure form". By positioning ourselves above the political battles, we are seeking to impartially and objectively assess given events and facts solely from the viewpoint of the rights protection standards forming part of Russian legislation and Russia's international obligations. We are convinced that such a stance will consolidate the authority of the Office of the Commissioner, as a body that is capable of being independent both from the powers that be and from the swings of public opinion. But most important of all - and this principle has tremendous educational importance - is that the actions of the authorities, the opposition and society as a whole are assessed using absolutely transparent criteria where constitutionally and legally established human rights standards form a universal and mandatory code of conduct for all those involved in the public process.

At the world and regional levels a similar role of counterweight to the political interests of individual countries must be played by the corresponding international institutions and their bodies (such as the Council of Europe). As far as the European area is concerned, it is clear that a logical step to follow the unification of international obligations of European countries in the sphere of human rights protection may be some form of unification as regards the use of human rights issues as a foreign policy lever by Council of Europe member States. I believe that, in one of its forums, the Council of Europe is capable of formulating a set of fundamental standards regulating the use of human rights rhetoric as a component of individual States' foreign policy. Such a document could enhance the predictability and stability of international relations, which in the longer term could itself have a beneficial impact on the process of firmly establishing human rights principles as an inalienable part of the national practices of European States.

Everyone now recognises (or at least a great many people do) that the real combat for civil rights is systematically corrupted by the cynical slipping into it of the selfish national interests (or more accurately those driven by a select national elite) of a given country. And that does not apply solely to the major powers, although they are primarily responsible. It is sufficient to cite the numerous episodes in the unfinished Middle East conflict or the bloody chapters of the Balkans crisis that is not so far in the past.

And lo and behold, on the very day when the American Senate votes through the "Magnitsky law" (there being no doubt whatsoever that his murder in a pre-trial detention unit was a gross violation of human rights and that all those guilty of it must be severely punished by a court), the American Secretary of State says that Russia is creating a customs union with a number of neighbouring States (the former soviet republics) and the United States are fully determined to oppose this.

In my opinion, these trade-offs are unacceptable and counterproductive, and we have to separate the wheat from the chaff, to borrow a biblical expression.

As I have already said, at the European level this difficult but absolutely indispensable task must be dealt with above all by the Council of Europe, with its unique membership and unmatched experience in humanitarian issues, democratic affairs and rights protection.

I believe that the setting up of a group of wise persons under the aegis of the Council of Europe might be considered, to specifically examine the question of where, in 21st-century Europe, the dividing line now stands between state sovereignty in rights protection legislation and practice and the potential for influencing the corresponding processes in other Council of Europe member States that result from their commitment to the basic principles laid down in the Council's fundamental texts. Because we know that problems like this periodically arise and not only in connection with the realities of Russia.

**Mr Gianni MAGAZZENI, Chief of Americas, Europe and Central Asia Branch,
Field Operations and Technical Cooperation Division
of the United Nations High Commissioner for Human Rights**

I am pleased by the opportunity to address this prestigious audience. Today, in Geneva, OHCHR is discussing practical ways to strengthen cooperation and dialogue between international and regional human rights mechanisms, with the participation of key members of regional and sub-regional organizations, including the CoE, the OAS, the AU as well as ASEAN and LAS. Earlier this week, we had a desk to desk review with the CoE on issues such as minorities, trafficking, discrimination, human rights defenders, disability as well as human rights action we could undertake jointly in the countries within the CoE region. I think these efforts at enhancing synergies between regional and international organizations are essential in order to ensure real progress in human rights and in translating international norms into consistent national laws and practices so as to have impact and achieve tangible results in people's lives.

On Monday, Human Rights Day, we celebrated 64 years since the adoption of the Universal Declaration of Human Rights. On this HR week, we have an opportunity to recommit ourselves to uphold human rights, and endeavour to ensure greater promotion and protection of these rights for people everywhere, starting in our own countries, by becoming a model of implementation of the norms and standards defined over the past 6 decades and embodied in the international human rights instruments that followed the UDHR. Only doing so provides the moral authority and legitimacy required to effectively champion these same standards elsewhere. And let me add that the strength of a democracy is measured by how well it protects its most vulnerable members – be they Roma, undocumented migrants, or disabled persons.

The international human rights system is at a critical moment in its history. While setting new HR standards continues in areas such as minorities/indigenous rights, the priority today is the effective implementation of the norms contained in instruments already ratified by member states and subject to regular reviews through UN human rights mechanisms, such as the Treaty Bodies, who identify areas of concern and provide specific country-based recommendations. Another mechanism of review of implementation is exemplified by the UN independent experts, the so-called Special Rapporteurs appointed by the Human Rights Council: there are 48 of them both thematic and country-based (36 + 12). At variance with the Treaty Bodies, they can act quickly and effectively within the context of their mandate and address individual cases – even when States may not cooperate with them. While these two instruments of implementation at the international level bring much sharper focus on gaps in implementation, can expose violations of human rights, advocate for remedies, and provide targeted recommendations, the key challenge for OHCHR remains action at the national level and the overall strength of the national human rights protection system.

The establishment of the Office of the High Commissioner for Human Rights almost 20 years ago, greatly enhanced OHCHR capacity to support country based engagement and national processes of implementation. Today, OHCHR is present in some 58 countries with regional or sub-regional offices covering even a larger number of nations. In addition to Governments, Parliaments, Judiciaries, NGOs, OHCHR works closely also with independent and effective NHRIs, especially those that comply with the Paris Principles. Let me emphasize, on this occasion, that Parliaments have a significant responsibility for promoting, protecting and realizing human rights through their functions of law-making, oversight and representation. Strong parliamentary institutions are fundamental therefore to build and solidify democracy, the rule of law and human rights.

The Human Rights Council has added new vigour to international action for the promotion and protection of human rights through responses to emergency situations, the setting up of Commissions of Inquiry or country based action. Its Universal Periodic Review (the UPR) process successfully concluded its first round in March 2012, after an unprecedented examination of the human rights situation in all 193 UN Member States, and every State, without exception, actively participated in the process. The reviews provide clear guidance on action required by each country in order to comply with its international legal obligations and political commitments.

In this context, the second round of the UPR – which started in May this year and focuses on the implementation of recommendations expressed in the first review - has the potential to be a catalyst for human progress, with tangible positive impact on the lives of millions of people, only if Member States and other stakeholders engage in it in good faith, and consider it as a long-term process, the essence of which is “the improvement of the human rights situation on the ground”. A number of countries have taken the following steps in order to ensure timely and effective implementation of recommendations received from the HR system including the UPR: a) Have set up a senior level coordination mechanism of implementation led by the Government with the active participation of all relevant government ministries, state entities, the Ombudsman or NHRI, and civil society organizations; b) Have provided an interim report on a voluntary

basis to the Human Rights Council mid-way through the second cycle – taking stock of what has been done and what remains to be done with respect to implementation; c) Have holistically clustered the recommendation by themes - making use of the Universal HR Index gathering all recommendations as a basis for detailed prioritized national action plans with well-defined activities, responsible national actors, benchmarks and specific time frames for implementation; and d) Have brought international partners, donors, the international community, including regional organisations and the UN system more closely together in assisting the country in the implementation of these key priority human rights actions.

These steps have also opened renewed opportunities for UN Country Teams to integrate human rights into national development plans. They have also laid the ground for much closer collaboration with other key actors, such as the EU, Regional Organizations such as the Council of Europe, the World Bank as well as bilateral donors, to support national human rights priorities. At this point, let me encourage you to build on the momentum generated by the first cycle of the UPR and to adopt a holistic approach, consisting in promoting and supporting the implementation of the recommendations of all UN human rights mechanisms. Let us not lose this unique opportunity to strengthen the national human rights protection system in line with the guidance resulting from international and regional review mechanisms.

One of the major lessons learned from the Arab Spring is that development efforts cannot be successful or sustainable if they are not grounded on the respect of human rights, good governance and the rule of law. Thanks to the UPR, we have now more readily available an x-ray of the gaps in implementation country by country. Let us therefore systematically use that knowledge in order to design development plans or engagement strategies that take into account the needs to strengthen, for instance, rule of law institutions, and more specifically to enhance the effective administration of justice, or the independence of the national human rights institution so that greater protection and remedies would be available nationally to those groups who are most vulnerable and at risk, and critical rights, such as freedom of expression and assembly or freedom of religion, would be protected for all, including minority groups.

In order for us to fulfil the dream of the drafter of the UDHR, a global commitment is required by member states, regional organizations, the donor community and the UN system as a whole in a compact that would be centred on the removal of gaps in implementation and the creation of adequate capacities and infrastructures for the promotion and protection of human rights as a basis for both peace and development efforts. As the United Nations has often emphasized, there cannot be development without peace – there cannot be peace without development and there cannot be either without respect for human rights and the rule of law: this is the critical third pillar of the UN Charter; the one that ensures that the construction of peace and development is built on solid foundations and is long lasting.

I hope we all will recognise the value of working together, in meeting the huge challenges in implementing human rights norms, and maximize the potential of the interaction between international, regional and national human rights mechanisms, procedures and organizations – counting not least on the contribution, energy and efforts of both international and national NGOs and HRDs, who make of their life a mission for the advancement of the rights and freedoms of the voiceless and the poorest of the poor.

Only working closely together, and pulling in the same direction with a clear roadmap of the objectives to be accomplished at the country level, we stand a chance to make a real difference in people's life.

I thank you for your attention.

Mr Nicolas J. BEGER, Director of Amnesty International European Institutions Office, Brussels

Thank you for the honour of inviting me to speak at this event. We very much welcome Mr Marcenaro's report on human rights and foreign policy and the resolution and recommendation adopted by the Parliamentary Assembly in October. One could almost call 2012 the year of human rights in European foreign relations. In June we saw the EU adopt a new comprehensive human rights policy, and since October we have had a forward-looking PACE resolution on human rights in foreign relations. If only European states' foreign policy was truly guided by what we find in both those milestone documents, the world would indeed be a better place. As Minister Fornero said, human rights principles as primary guidance for foreign relations are a pre-condition for a brighter future for the great majority of the world's people.

It was indeed high time to tell the Council of Europe and EU member states that their internal obligations are also their external obligations and vice-versa. And in the end, for the sustainable future of their own people and everybody else, fulfilling international human rights law should take preference over other interests.

Yet this is the crux of the matter. Evidently implementing such fundamental goals in external relations is the hardest thing to achieve, particularly since within Europe we are also failing to implement our human rights obligations. It is deeply meaningful for the Council of Europe to pronounce itself on foreign relations. The Council of Europe is the standard-setter on human rights in Europe. Arguably it houses the most powerful human rights mechanism in the world. Ensuring that Council of Europe member States hold each other to account on human rights and that their membership also means their relations with third countries are bound by and promote fulfilment of the same standards, is reinforcing protection. There are two remaining obstacles that are key to this discussion: the growing tendency of some Council of Europe member States (and not necessarily in the east of Europe) to weaken the effectiveness of the Council of Europe and European Court of Human Rights. And the failure to understand that being a member also entails being responsible for changing one's relations with our next-door neighbours. In fact, a quick glance at the EU proves this is blatant. The Union's impressive array of external human rights tools diminishes when contrasted with its no longer ignorable failure to address human rights violations within its own borders. And the litmus test of its new human rights framework is not when everyone agrees on an issue, but instead where interests clash. The EU will not be truly credible until it shows a real commitment to getting it right on places like Bahrain and Uzbekistan, where the only fair description of its current approach is incoherence. It is promising to hear Mr Lambrinidis confirm he has realised this.

What would implementing the goals of the Parliamentary Assembly's initiative mean? Let me give you just a few examples across the continent. I could just as easily name many others.

1. The big economic players of Europe should stop burying their head in the sand and confront Russia about its atrocious human rights record and its dismal failure to uphold protection from mass violations in third countries.
2. EU countries should finally agree on amending their treaties to allow human rights accountability among themselves, and swiftly ensure that the EU accedes to the European Convention on Human Rights, abandoning the lack of transparency and obstructionism they have brought to this process, which has so far only indicated how little the EU is interested in being scrutinised or in enhancing the Council of Europe's mechanisms. Ratifying and implementing other Council of Europe human rights instruments such as the Convention on Violence against Women and Domestic Violence by the EU and all Council of Europe member States is key to coherence.
3. The relativism rhetoric must be definitively banished, never to return. Remember that victims of human rights violations never say that being tortured or raped is acceptable because it is 'culturally acceptable' in their country. It's only ever the perpetrators who claim cultural relativism as a defence for their failure to accept that everybody has a right to freedom from torture.
4. We must link foreign relations work with confronting the most inflammatory speeches at home. As long as election campaigns by mainstream parties increasingly focus on xenophobia and demonising migrants, we cannot credibly ensure people in the world's war zones that saving their lives is truly a European interest. Because those who manage to escape the horrors at home are then faced with other horrors in the places they arrive in like Cyprus, Greece, Italy or Malta. And what does intervention in Libya ultimately represent when Italy turns around shortly afterwards and signs the same human rights-violating contract with Libya on stemming migrant flows when the fate of refugees in Libya has only worsened? Ultimately, how sound is the EU's stance on Syria when it fails to have an internal debate about when it can take significant numbers of Syrian refugees?

5. Any list in the context of this conference, and I could have listed plenty of other things, must conclude with the biggest reminder of all: if all Council of Europe member States actually implemented the judgments of the European Court of Human Rights, you would not need to confront foreign relations human rights issues among yourselves, and would spend far less time dealing with the overload of the Court in Strasbourg. That should be the main topic of conversation among member States, and particularly in national parliaments.

Let me end with one other essential element that is also a theme of the conference and which I have been asked to address: interaction with civil society. Studies have shown that the space for civil society shrinks when human rights violations are on the rise, and the first space to go is that of human rights defenders. If you want a good indicator of a situation's gravity, watch the civil society space; it will tell you a lot. A very experienced senior diplomat in the EU system once candidly identified the source of most ambassadors' knowledge of the country they are serving in: the taxi driver who speaks English or French! Ignorance can so easily be remedied by simple attempts to talk to local HRDs and to do so at the highest level. Little else will show support so well as ambassadors continuously receiving HRDs and making public statements on their behalf (we will tell you when a situation is too dangerous to do that but it's rarely the case). The worst thing that can ever happen to a diplomat who interacts with civil society is perhaps learning something.

And one final word of caution: the Council of Europe can surely improve its human rights protection, we always can, but it is also the best we have given the hopelessly modest resources it has to confront the task it faces. It is obviously wonderful if countries in its neighbourhood decide to sign up to Council of Europe Conventions, protection can be extended and the Council of Europe bodies help and share expertise. But what should not happen is for the foreign relations tiger, the EU, wriggles out of its own obligation to make human rights work in neighbouring countries a measurable and visible political and programming endeavour by paying the more discreet Council of Europe to do its job. Please do not allow yourselves to be used as pawns of those who seek to justify not speaking up, particularly not in the MENA region. And forgive me for ending with a note of suspicion about the EU in this respect. I certainly hope I will be proved wrong and that 2012 as the year of human rights in foreign relations will bring real change in the years to come.

Father Paolo DALL'OGGIO, Jesuit priest and leader of the Deir Mar Mûsa monastery in Syria

Please note that the following is only a brief résumé of Father Dall'Oglio's intervention.

No fears or interests can justify the international community's failure to come to the aid of the population of Syria, which has been seeking a change of society for twenty months now and which is facing murderous repression by the regime.

We have therefore launched this chain of institutions, representatives and ordinary citizens to urge governments to take immediate, effective action so as to counter the various cross-cutting forms of complicity with this liberticidal regime.

It is time to intervene more vigorously and cohesively on the diplomatic front, more effectively and coherently in terms of humanitarian assistance, more inventively and courageously as regards non-violent action, more resolutely and competently at the level of the partisan struggle and with greater rigour and farsightedness in matters of human rights.

We propose, in particular, that the European Union should foster dialogue among all components of the Syrian identity, so as to promote a broad and fair constitutional settlement that will allow an end to the violence and secure national reconciliation with a view to peace with justice, a goal that should be doggedly pursued throughout the Middle East.

III. FINAL DECLARATION

Representatives of Foreign Affairs and Human Rights Committees of parliaments of Council of Europe member States and parliamentarian members of the Committee on Political Affairs and Democracy of the Parliamentary Assembly of the Council of Europe, meeting in Turin,

CONVINCED that:

- it is necessary to strengthen the relationship between human rights and foreign policy and to ensure a stronger commitment to world peace;
- foreign policy cannot neglect human rights or be solely guided by *Realpolitik*. Recent history has shown that this is not only a morally deplorable policy, but also a risky one, which does not prevent crises from developing or real humanitarian emergencies from emerging;
- democracy cannot be exported and the rule of law and human rights can only emerge from the will of the people themselves, as the Arab revolutions have recently demonstrated;
- it is necessary to support human rights defenders and to consult with human rights non-governmental organisations prior to defining foreign policy strategies;
- dialogue, co-operation and political, economic and cultural exchanges are necessary for affirming the principles of democracy, human rights and the rule of law worldwide;

CALL ON the authorities of Council of Europe member States to:

- pursue systematic and coordinated political action to defend human rights, strengthen democracy and the rule of law and to promote peace;
- systematically include United Nations and Council of Europe standards in their national human rights strategies;
- develop national strategies to promote the full ratification of core human rights instruments and, once ratified, to guarantee their implementation;
- make consistent and intelligent use of “conditionality clauses” in all bilateral agreements and take human rights violations into account in their political and economic dialogue with other countries;
- prioritise political dialogue, negotiation and systematic monitoring of compliance with commitments in any foreign policy strategy, and combine diplomatic action and public and transparent debate;
- consult, support and protect human rights defenders and those who fight for freedom and democracy;
- respect, in their own countries, those human rights which they expect others to recognise, and effectively cooperate with national and international monitoring mechanisms;
- ensure the full implementation of Resolution 1901 (2012) and Recommendation 2004 (2012) on Human Rights and Foreign Policy, adopted by the Parliamentary Assembly on 3 October 2012;

INVITE the European Union to:

- to promote the consistency of EU member States’ foreign policy decisions and behaviour, with a view to giving a new impetus to the political and diplomatic initiatives in support of human rights, democracy and the rule of law;
- make full use of the relevant instruments and expertise of the UN and of the Council of Europe, including the implementation of UN human rights treaties and, where appropriate, of the European Convention on Human Rights;

PROPOSE:

- the Parliamentary Assembly of the Council of Europe organise, on an institutional basis, meetings of the Foreign Affairs and Human Rights Committees of the parliaments of the Council of Europe member States and invite the European Parliament to join in the organisation of these meetings.