LEGAL ASPECTS OF REGIONAL DEVELOPMENT. BUILDING EUROPE TOGETHER ON THE RULE OF LAW

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Introduction

I am very pleased to address you at this year's course on international law and bring some perspectives from the other side of the Atlantic on legal aspects of regional development in Europe.

Through my presentation of the Council of Europe and its activities in the legal field, I shall try to illustrate how law apprehends the social, political and economic realities of our societies, thus paving the way for a harmonious development.

The Council of Europe attaches great importance to the work of the Organization of American States. I therefore see my presence as a step forward in enhancing the already excellent co-operation between the two organisations and I thank the organisers of this course for their invitation.

This co-operation is nothing new. As you know already on 29 September 1969 an *Agreement of Co-operation between the OAS and the Council of Europe* was signed in Strasbourg. This has provided the framework for our co-operation which was later reflected in an exchange of letters between the Secretary Generals of the two organisations of 13 November 1987.

In my introductory remarks I intend to provide you with a general overview of the Council of Europe and its activities in the legal field. I will then provide you with some more specific comments on several priority areas.

Let me start by telling you a little bit about the Council of Europe, the oldest Organisation devoted to European integration.

I. The Council of Europe

The chief purpose of the Council of Europe, an intergovernmental organisation founded in 1949 and currently grouping 47 member states,[1] is to protect and promote human rights, pluralist democracy and the rule of law. With the accession of a 47th member, Montenegro, in May, the Council of Europe which has its seat in Strasbourg (France) will comprise all European countries

[1] Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine and United Kingdom. In addition, the Council of Europe has granted observer status to five more countries: Canada, Holy See, Japan, Mexico and United States of America.

except Belarus. As a result of its work, some two hundred international treaties (European Conventions) have been produced. At this point I should note the general trend towards opening Council of Europe conventions to non member States subject to certain conditions.

In 1993 an observer status to the Organisation was created. For the moment the following states have been granted observer status: Canada, Holy See, Japan, Mexico and the United States of America.

In the legal field, the Council of Europe contributes to the harmonisation of Europe's legal systems on the basis of standards that are laid down within the Organisation. Its overall aim is to encourage the establishment and development of democratic institutions and procedures at local, regional and national levels, and to promote respect for the principles of the rule of law.

A substantial contribution to the achievement of this aim has been made through its two principal, interconnected means of action, namely: the *intergovernmental activities*, on which all the member states work together and on the basis of which the Council has drawn up and adopted nearly 200 conventions and agreements and hundreds of Recommendations of the Committee of Ministers to member States since 1949; and the *co-operation activities to strengthen the Rule of Law,* involving the Council of Europe and one or more member states.

These programmes have been radically adjusted to meet the assistance and co-operation needs generated by rapid changes on the European political scene since the fall of the Berlin Wall, and also the challenges of the consequent step-by-step enlargement -from 21 in 1989 to 47 in 2007- bringing in the countries of central and Eastern Europe.

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A. Bodies

Intergovernmental activities are carried out under the authority of the Committee of Ministers by steering committees, comprising delegations from member states, which monitor the work of subordinated specialised expert committees. There are three steering committees responsible for the legal field: the *European Committee on Legal Co-operation (CDCJ);* the *European Committee on Crime Problems (CDPC);* the *Steering Committee on Bioethics (CDBI).* In addition, there are also *ad hoc* committees on public international law *(CAHDI),* terrorism *(CODEXTER).*

Conventional activities are implemented through committees provided for specifically by international treaties (conventions). These committees comprise representatives of the contracting parties and generally have the task of

monitoring compliance with conventions, for instance, on protection of children, data protection and judicial co-operation in criminal proceedings.

The Council of Europe activities organises also meetings of specialised ministers and co-operates with other European and international organisations. With regard to meetings of specialised ministers, particular attention should be paid to the *Conferences of European Ministers of Justice*, and the *high-level meetings of the Ministries of the Interior* which give ministers a regular opportunity to discuss topical issues and decide what lines the Council's work should follow. Recently the following issues in the legal field have been considered at high level: the independence, efficiency and fairness of justice, the fight against corruption and money laundering, the fight against terrorism. I notice that such items appeared also on the agendas of recent meetings of Ministers of Justice or Attorney Generals of members of the OAS.

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Activities which form part of the *co-operation programmes* are implemented by the Secretariat directly in co-operation with government authorities of the benefiting States and, where necessary, with the assistance of experts from other countries. They aim at preparing and introducing legislation and an institutional or operational framework which match the country's specific needs and features, but are also consistent with fundamental rule-of-law principles. They try to ensure that reforms are carried out in accordance with these principles, and as prescribed by law, by providing in-service training for professionals on all levels of the legal system who are involved in implementing new legislation (judges, prosecutors, lawyers, police, prison staff, bailiffs, notaries).

In addition to these Council of Europe co-operation programmes, specific programmes, jointly funded by the Council of Europe and the Commission of the European Union, are being implemented in certain countries or in certain fields, the aim being again to establish an institutional and legal framework consistent with rule-of-law principles, to reform criminal, civil and administrative law, and to ensure that these reforms are properly conducted, in keeping with European standards.

B. Activities

The activities and the means of action of the Council of Europe in the field of Legal Affairs concern the following key-areas:

a) *legal frameworks and organisation within a democratic state,* covering issues such as constitutional, and public international law;

b) *legal relations between individuals and the state,* which concerns a wide range of work on such issues as civil and commercial law, protection of

children, administrative law, the legal framework of civil society; nationality, refugees and asylum seekers;

c) *improving the independence and functioning of justice*, with the Consultative Council of European Judges (CCJE), the European Commission for the Efficiency of Justice (CEPEJ), the meetings of Presidents of European Supreme Courts, the Consultative Council of Prosecutors General of Europe, the European network of individuals and agencies responsible for the training of judges and prosecutors (Lisbon Network). This covers issues such as mediation issues in dispute resolution proceedings, legal aid, the legal professions (judges, court registrars, prosecutors and notaries);

d) *rule of law and citizen's security*, with activities on such issues as operation of conventions in the criminal field and criminal justice, combating corruption, money laundering and organised crime, fight against cybercrime and terrorism, police ethics, prison system and prevention of crime;

e) *scientific revolution and legal protection of the human being*, covering activities relating to data protection, information society, bioethics, biotechnology.

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II. Constitutional law

The *Venice Commission for Democracy through Law*, is an advisory body which provides guidance on common European constitutional standards and promotes their application.

Initially conceived in 1990 after the dismantling of the Iron Curtain as a tool for emergency constitutional engineering, it has become an internationally recognised independent legal think-tank.

It contributes to the dissemination of the European constitutional heritage, based on the continent's fundamental legal values while continuing to provide "constitutional first-aid" to individual states in the adoption of constitutions that conform to these values.

The Venice Commission also plays a unique and unrivalled role in crisis management and conflict prevention through constitution building and advice (for example, in Bosnia Herzegovina, Kosovo, Serbia-Montenegro, Georgia (Statute of Abkasia)).

It currently counts 47 members, 1 associated member, 9 observer members including Argentina, Canada, Mexico, the United States of America, and Uruguay, and 1 special status member.

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III. Public international law

Let me tell you about the activities relating to Public International Law, which will be of interest to you for obvious reasons.

The Council of Europe is actively working to co-ordinate its member states' action in this field. It is done through its Committee of Legal Advisers on Public International Law (CAHDI), an intergovernmental body which brings together the Legal Advisers of the Ministers for foreign affairs of our member States as well as of a significant number of observer states and organisations, including Canada, Mexico and the US.

CAHDI's aims are notably to strengthen the role, influence and the development of public international law, to bring national viewpoints closer together, to review at regular intervals outstanding reservations to international treaties (it operates as a European Observatory of Reservations to such Treaties), as well as to follow developments concerning the instruments for the protection of victims of armed conflict and relating to international human rights law but also the work done by other international bodies, including international courts and tribunals.

The issues examined by CAHDI include, for instance, expression of consent by states to be bound by a treaty, state succession and questions of recognition, classification of documents concerning state practice in the field of public international law, debts of diplomatic missions. Currently, it is carrying out a pilot project on state practice regarding immunities of states and their property and is reviewing reservations made to international anti-terrorism treaties.

The CAHDI also liaises with the International Law Commission of the UN and the Council of the European Union's Working Party on Public International Law (COJUR).

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Let me now turn to the paramount question of Access to Justice.

IV. Access to justice

A. Access to justice: pillar of the Rule of Law

- Justice is an essential pillar of a state governed by the Rule of Law, because it ensures the fair implementation of the law and the settlement of disputes. It is as such enshrined in the European Convention on Human Rights (Article 6) which constitute the very reference for the work of our Organisation and embodies its principles and ideals. This article is largely similar to article 8 of the American Convention on Human Rights drafted within the Organisation of American States.

- But justice can play this essential role only if

  - it is accessible to individuals: all persons under the jurisdiction of a court must effectively have access to the law and to the court. The complexity of the legal system and costs of justice are real obstacles to access to a judge, particularly the need to hire qualified lawyers;

  - it is expeditious; the excessive length of judicial proceedings should be properly addressed;

  - it is effective; court decisions must be properly enforced.

These are the cumulative (and not alternative) ingredients which make a judicial system efficient.

B. The CoE guarantees access to justice in Europe through its standard-setting role

- As the Pan-European organisation of Human Rights and the Rule of Law, the CoE invests considerable effort in facing these challenges:

- It is *the institution which sets the standards as far as justice is concerned* in Europe. It has been active for more than 50 years in the definition of the objectives of justice throughout the Continent, establishing a community of values reflected in norms and standards:

  - smooth administration of justice and access to justice are one of the main concerns of the ECHR, reflected in particular in Articles 6 and 13 and the Strasbourg Court's case law (right to a fair and public hearing within a reasonable time by an independent and impartial tribunal as well as the right to an effective remedy).

- But these fundamental norms on access to justice are completed by other European standards defined in essential Council of Europe's instruments:

  - Recommendation (94) 12 of the Committee of Ministers to Member States on the independence, efficiency and the role of judges;

  - specific Recommendations concerning the actors of justice, such as lawyers and prosecutors;

  - the European Charter for the Status of Judges;

  - Recommendations addressing specific means to reach the objectives of justice, such as legal aid, mediation, measures to prevent and reduce the workload of courts or enforcement of court decisions.

- The notion of access to justice is part of the *acquis* of all European citizens.

C. The CoE contributes actively to the proper implementation of its own normative framework

- Drawing lessons from the Human Rights Court's case law related to Article 6 in particular, it proposes ways of decreasing the number of complaints and offers solutions as to how these complaints can be prevented;

- a monitoring procedure carried out by the Committee of Ministers of the Council of Europe on the functioning and efficiency of judicial systems has shown that changes are necessary in all member states, in particular as regards the complexity of judicial procedures, their duration and their cost;

- in 2002, therefore, the CoE established the *European Commission for the Efficiency of Justice* (CEPEJ) which is composed of eminent experts in judicial issues from our 47 member states. Canada, the US and Mexico have been granted observer status. These states have committed themselves to carrying out a regular assessment of the performance of their judicial systems:

  - not merely for academic purposes, but to make the necessary improvements towards increasing the efficiency of the service provided to citizens and to determine their level of satisfaction and their trust in their legal system;

- the CEPEJ is today a unique forum for all European states to assess the efficiency of judicial systems and propose concrete solutions as regards access to justice;

- in particular, the Committee of Ministers adopted a questionnaire established by the CEPEJ containing around 100 questions to assess the functioning of judicial systems in all our member states, from both a qualitative and a quantitative point of view. The answers to this questionnaire are processed and the result of this first study will lead to concrete actions being proposed to our member states to improve access to justice.

- Justice is a complex issue: proper access to justice depends to a large extent on the proper articulation between the various actors of the judicial systems and the fundamental principles at stake. Therefore the CEPEJ does not work in isolation. This instrument is part of the global policy of the Organisation for the proper functioning of justice, to which other bodies contribute as well:

  - the *Consultative Council of European Judges* (CCJE) is a unique body composed of judges which advises the Committee of Ministers on our policy towards judges in Europe; its opinions, particularly those on the financing and management of courts, have proved invaluable;

  - the *Lisbon Network* comprises those institutions and administrations responsible for the training of judges and prosecutors in our member states and is in charge of developing European solutions to improve judicial qualifications and therefore the quality of justice;

  - the *Conferences of Presidents of Supreme Courts*;

  - the *Consultative Council of Prosecutors of Europe* which brings high level prosecutors from all over Europe to discuss about issues of common interest.

- *Specific concrete initiatives* have recently been developed by the Council of Europe to improve access to justice, for instance:

  - the *European Day of Civil Justice*, jointly launched by the CEPEJ and the Commission of the EU (last week of October) to bring citizens closer to their judicial system;

  - the publication of *information notices on legal aid*, containing practical and easy-to-read information on the functioning of legal aid mechanisms in all the Council of Europe's member states;

- the promotion of specific policies to develop the *use of new technologies* to improve the management of justice.

- And last but not least, for 18 years now, the CoE has been implementing activities, in particular in central and eastern Europe, within the framework of its *co-operation programmes which have* enabled it to gain valuable experience and develop unique expertise:

  - overall reforms of the justice system, among which, I should cite as example of paramount importance the reform of the judicial system in the Russian Federation;

  - essential legislative reforms regarding access to justice have been developed, including specific mechanisms to improve legal aid systems (example: Kosovo) or the enforcement of court decisions (example: Bulgaria);

  - institutional reforms have been developed to improve judicial efficiency through the establishment of High Councils of Justice (example: Romania) or by improving the quality of judicial systems through the setting up of training schools for judges and prosecutors (examples: Albania, Romania).

Another key issue of paramount importance for civil liberties is that of information and its protection. Let me tell you about our activities.

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V. The right to information: access to and protection of information and personal data

A. The right to information and the right to privacy: two potentially conflicting rights

- The use of automated processing of personal data has increased rapidly over past decades, bringing with it the risk of personal data being easily used and transferred to countries where they are not afforded an adequate level of protection.

- The ECHR guarantees (like the American Convention) a number of political and civil rights, among which figure the right to privacy (Article 8) and the right to information (Article 10), two rights which are potentially conflicting.

- Faced with the need to reconcile these two fundamental rights and ensure the same level of protection of both rights beyond national borders, the

CoE drafted the "Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data" (ETS 108 in 1981). To this day, it remains the only binding international legal instrument with a worldwide scope in this field. It is open for signature by countries which are not members of the CoE.

B. The European Convention on Data Protection and its Additional Protocol

- Convention 108 defines a number of basic principles for the fair and lawful collection and use of personal data:
  - Personal data can only be collected for a specific purpose and should not be used for any other reason;
  - data must be accurate, adequate for this purpose and stored only for as long as is necessary;
  - the Convention also establishes the right of access to and rectification of data for the person concerned (data subject);
  - lastly, it requires special protection for data of a sensitive nature, for example on religion, political beliefs, genetics or medical information.
- This instrument has so far been ratified by 31 States and signed by another 7 (as of 10 August 2007). It also inspired EU Directive 95/46 on the protection of individuals with regard to the processing of personal data and on the free movement of such data. Together, these instruments form the basis of all EU member states' legislation in this area.
- The Convention was complemented in 2001 with an Additional Protocol on Supervisory Authorities and Transborder Data Flows. Drafted in view of the increase in the flow of data across national borders, the Protocol aims at improving the application of the principles contained in the Convention by adding two substantive new provisions, one on the setting up of one or more supervisory authorities by each Party and one on transborder flows of personal data to countries or organisations which are not parties to the Convention.
- This Protocol entered into force on 1 July 2004.

C. From theory to practice

- In order to adapt the general principles set out in Convention 108 to the specific requirements of various sectors of activity in society or to new

technological developments, several *recommendations* of the Committee of Ministers to member States and various guiding principles have been adopted by the Council of Europe. Some of the most important or recent ones deal with police records (1987), employment data (1989), medical and genetic data (1997), the protection of privacy on the Internet (1999), insurance purposes (2002), video-surveillance (2003) and smart cards (2004).

- Texts currently in the pipeline focus on the impact of new technologies, in particular biometrics and communication networks, on data protection.

- The implementation of Convention 108 and the other instruments in the field of data protection is monitored by a *Consultative Committee* set up by the Convention which gathers representatives from all State parties, as well as observer States from throughout the world (including Australia and Canada) and interested international organisations (European Commission and Council of the European Union, OECD, ICC, ILO).

- This committee, with its unique mixed composition of representatives of the governmental authorities and independent supervisory authorities responsible for data protection, provides a useful international forum for the discussion of issues of common interest or concern.

- The CoE also offers its Member States its unique expertise by means of specially designed *co-operation activities*, which aim at:

  - helping to prepare and introduce legislation and an operational framework which are consistent with the provisions of Convention 108, as a requirement prior to its ratification. For example, such activities, some of which were organised in co-operation with the European Union, contributed to the adoption of national data protection laws in Bulgaria (2001), Malta (2001), Lithuania (2002) and Croatia (2003);

  - ensuring that reforms are carried out in accordance with the Convention's principles and as prescribed by law, for example by examining data protection rules and their implementation in specific sectors or by providing training for professionals (example: police sector, 1997, Czech Republic; population register, 2004, Slovakia).

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VI. Fight against crime

The Rule of Law and the citizen's security is of paramount importance to the Council of Europe as it plays an active role in European co-operation on crime problems and in the fight against corruption and organised crime. As indicated

above, the organisation's work comprises various activities on issues such as the operation of conventions in the criminal field and criminal justice, police ethics, prison systems, the prevention of crime and the fight against corruption, money laundering, organised crime, cybercrime and terrorism.

Allow me to comment on those relating to Economic and Organised crime, including corruption, money-laundering, on cybercrime and, last but not least, on terrorism.

A. Economic and organised crime

The work in this area consists of three inter-related elements: setting European standards, monitoring compliance with European standards and strengthening capacities through technical co-operation - let me just mention some of these programmes.

1. Organised crime

The work in this area has led to the adoption of the Guiding principles for the fight against organised crime, which are included in Recommendation (2001) 11 of the Committee of Ministers to member States.

2. Corruption

A number of major legal instruments have also been adopted in the field of combating corruption. For instance, the Criminal Law Convention on Corruption aims at harmonising national laws on the definition of corruption offences, to set up complementary penal measures (such as the liability of firms for corruption) and to improve international co-operation in bringing offenders to justice. This Convention is completed by a Protocol which extends the scope of the Convention to corruption of domestic and foreign arbitrators (in civil, commercial or other matters) and jurors, thus complementing the Convention's provisions protecting the judiciary.

Another important text is the Civil Law Convention on Corruption, which covers the definition of corruption, compensation for damage to victims, liability (including state liability), contributory negligence, limitation periods, validity of contracts, protection of employees, accounts and audits, interim measures and international co-operation.

Additionally, the following "soft law" instruments can be quoted: Resolution (97) 24 of the Committee of Ministers including twenty guiding principles to fight corruption, which defines the priority activities for a comprehensive, serious and efficient action against corruption; Recommendation (2000) 10 which includes in its appendix a model Code of conduct for public officials; Recommendation (2003) 4 on common rules against corruption in the funding of political parties

and electoral campaigns, the aim of which is to enhance transparency of funding, establish certain limits on donations, ensure a proper control in this area, etc.

The adoption of this battery of legal instruments was coupled with the setting-up in 1999 of a monitoring body, the *Group of States against Corruption (GRECO).* Let me now stress that GRECO allows for the participation of member and non-member States of the Council of Europe on an equal footing. The USA is a full member of this body.

The GRECO was conceived as a flexible and efficient mechanism to monitor, through a process of mutual evaluation and peer pressure, the observance of the Guiding Principles in the Fight against Corruption and the implementation of the international legal instruments of the Council of Europe.

The aim of the GRECO is to improve its members' capacity to fight corruption by monitoring the compliance of states with their undertakings in this field. In this way, it contributes to identifying the deficiencies and insufficiencies of national mechanisms against corruption, and to prompting the necessary legislative, institutional and practical reforms in order to better prevent and combat it.

3. Money laundering

The MONEYVAL Committee is an evaluation and peer pressure mechanism which reviews the anti-money laundering measures and measures to counter the financing of terrorism in Council of Europe member states which are not members of the Financial Action Task Force (FATF)[2]. Its aim is to ensure that States have in place effective systems to counter money laundering and terrorist financing. It mutually evaluates states against all relevant international standards in the legal, financial and law enforcement sectors. Its reports provide highly detailed recommendations on ways to improve the effectiveness of domestic regimes to combat money laundering, terrorist financing and States' capacities to co-operate internationally in these areas. One of the international standards against which assessments are made is the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990).

MONEYVAL also conducted on-site evaluation visits covering both money laundering and terrorist financing in several member states (Azerbaijan, Armenia, Serbia and Montenegro, and Bosnia and Herzegovina).

A third round of mutual evaluations of jurisdictions involved in MONEYVAL began in 2004 and will conclude in 2007. All these evaluations will

[2] Council of Europe member states which are members of MONEYVAL but subsequently become members of the FATF can elect to retain full membership of MONEYVAL.

cover both money laundering and terrorist financing. The assessment is conducted according to the new comprehensive global methodology agreed with the FATF, IMF and World Bank.

In order to follow-up evolution in this field, the Committee of Ministers also proceeded to the revision of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime. A new Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime was opened for signature on May 2005 at the Third Summit of Heads of State and Government of the Council of Europe.

4. Trafficking in human beings

Combating economic and organised crime also includes combating *trafficking in human beings,* an area which we are following closely. A European Convention on action against trafficking in human beings was opened for signature also at the Summit of Heads of State and Government of the Council of Europe.

Furthermore, the LARA Project, aiming at criminal law reform related to trafficking in human beings in South-eastern Europe, has been implemented by the Organisation. It provides for the systematic collection and review of existing anti-trafficking legislation against European and international standards, that is, the Council of Europe's Recommendation Rec (2000) 11 on trafficking in human beings for the purposes of sexual exploitation and the "trafficking protocol" to the United Nations Convention on transnational organised crime. Countries were subsequently supported through on-line expertise and in-country workshops to help them reform their legislation.

B. Cybercrime

Obviously, it is not possible to combat crime without taking into consideration the rapid growth of the new information technologies and their use for criminal purposes.

Therefore, the Council of Europe adopted the Convention on Cybercrime and its Additional Protocol. The latter contains, among others, a definition of racist or xenophobic material and provides for the criminalisation of acts of a racist or xenophobic nature committed through computer networks, including, for example, the advertising and distribution of such material.

Cybercrime is an area on which the Council of Europe and the OAS co-operate closely and I should like to stress the importance of pursuing this work. The Council of Europe Convention is indeed the first internationally binding instrument of its kind, open to non-member States.

I read with great interest and appreciation the conclusions and recommendations of the 5th meeting of the Ministers of Justice or Attorney Generals of the Americas, organised by the OAS in Washington, D.C. on 28-30 April 2004. Let me take this opportunity to warmly welcome the recommendation for member states of the OAS to implement the principles of the Convention on Cybercrime and consider the possibility of acceding to it. No other crime like cybercrime is a global threat which requires a global response. The Convention on Cybercrime could be the basis for such a response; it is a treaty open to all the states in the world and we hope that as many states as possible will join this global instrument, which is already in force since 1 July 2004 and is signed by 5 non-member States (Canada, Mexico, Japan, USA, South Africa). It was ratified by the US Congress in 2006.

C. Terrorism

From the outset, let me refer to the European Convention on the Suppression of Terrorism of 1977 and more recently to its Amending Protocol adopted and open to signature in 2003. Once it will enter into force, the Protocol will in fact open up the mother convention to the participation of non-member States who will be able to join the European states in this struggle. Its signature by most of the member states is an example of the success of the legislative activities of the Council of Europe.

Indeed, the rule of law and citizen's security also require a democratic answer to the threat of terrorism. The efforts of Council of Europe to strengthen legal action against terrorism are based on the fundamental principle that it is possible and necessary to fight terrorism while respecting human rights, fundamental freedoms and the rule of law.[3]

The Council of Europe identified 6 priority action areas, namely: research on the concepts of "*apologie du terrorisme*" and "incitement to terrorism"; special investigation techniques; protection of witnesses and collaborators of justice; international co-operation on law enforcement; action to cut terrorists off from funding sources and questions of identity documents which arise in connection with terrorism. Activities in the six priority areas are currently being implemented with a view to the possible elaboration of instruments or to the evaluation of existing measures.

The CODEXTER, a governmental committee of experts, is in charge of co-ordinating and supervising the Council of Europe's contribution to the fight

[3] These efforts are implemented in the spirit of the Parliamentary Assembly's Recommendation Rec 1550 (2002) and Resolution Res 1271 (2002) on Combating terrorism and respect for human rights and of the Guidelines on Human Rights and the Fight Against Terrorism adopted by the Committee of Ministers.

against terrorism in the legal field and, in particular, the implementation of the priority activities.

It has endorsed the preparation of international instruments on the protection of witnesses and collaborators of justice and on special investigation techniques, and has conducted research on the concepts of "*apologie du terrorisme*" and "incitement to terrorism", with a view to the preparation of an international instrument in this area. In addition, the CODEXTER proposed to the Committee of Ministers ways to better protect, support and compensate victims of terrorist acts and has started to conduct country surveys on counter-terrorism capacity.

This Committee has been called upon to elaborate one or more specific scope instruments to deal with existing lacunae in international law or action on the fight against terrorism. It prepared a Convention on the Prevention of Terrorism which was opened for signature at the Summit of Heads of State and Government in Warsaw in May 2005 and entered into force in the beginning of 2007.

Furthermore, co-operation activities have been set up in a number of states (Croatia, Hungary, Lithuania, Moldova, the Russian Federation), often in co-ordination with other international organisations (UN), to provide assistance with improving the counter-terrorism capacity of member states or of particular regions.

Another area where the Council of Europe has been pioneer is that of bioethics.

D. Bioethics

In this area, the Council of Europe's aim is to protect the individual's dignity and basic rights from the dangers to which ordinary medicine or new medical techniques (genetics, medically assisted procreation, etc.) may expose them.

The work in this area culminated in the Convention on human rights and biomedicine -the first international binding agreement on this question- to which Protocols on a number of specific questions have since been added.

An Additional Protocol on the Prohibition of Cloning Human Beings came into force in 2001 and is the only binding legal instrument on the subject. A Protocol on organ transplantation was opened for signature in January 2002.

Another protocol on biomedical research has been adopted in July 2004 by the Committee of Ministers.

Moreover, the Council of Europe convenes the European Conference of National Ethics Committees (COMETH) at regular intervals and supports its member states to set up and support ethics committees on biomedical research.

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VII. Co-operation with the European Union

Our co-operation with the European Union should be noted. It concerns, in particular, the "justice and internal affairs" field where there is an ongoing dialogue between the Directorate General of Legal Affairs and the EU Commission and Council departments responsible for "justice and home affairs". There has also been dialogue in this area with successive EU Presidencies. In this context, the Council of Europe co-operates in particular with the European Commission on the European Judicial Network in civil and commercial matters and has launched with the European Commission the "European Day of Justice", which takes place each year in the last week of October. It should also be noted that the Council of Europe and the European Commission run a number of "joint programmes" under the co-operation activities to strengthen the Rule of Law.

In this connection, it should be pointed out that close to 30 Council of Europe Conventions have now been incorporated into the EU system and that they frequently act as a springboard to EU membership. Therefore, the Directorate General of Legal Affairs has started to organise working meetings for politicians and senior civil servants from the ministries concerned with Council of Europe instruments, which are regarded as forming part of the EU's acquis.

At this juncture I should also mention our excellent co-operation with regional and international organisations such as the OAS, the OSCE, the UN, the OECD, the World Bank and the IMF.

Conclusion

In its more than fifty year existence, the Council of Europe has produced an important wealth of international standards stemming from the very values for which the Organisation stands: Democracy, the Rule of Law and Human Rights.

More than ever, we have come to realise that the dangers we face are international, as indeed are the challenges we face in keeping up with the pace of technological development.

Only through respect for human dignity and the inherent values, rights and freedoms that that dignity entails can we successfully secure development; for it is not only possible but also necessary to reconcile the economy with the human being at the service of which it functions.

If we fail to do so, we will fail to acknowledge what is truly important.

For the last five decades the Council of Europe has shown the way and will continue to do so in a spirit of openness to other parts of the world.