

**CONFERENCE OF CHAIRPERSONS OF HUMAN RIGHTS
COMMITTEES OF THE PARLIAMENTS OF THE EUROPEAN
UNION,**

on 14th and 15th June 2007 in Berlin

CLOSING STATEMENT

Madam Chair, fellow Colleagues, ladies and gentlemen, first of all I would like to thank the Bundestag and particularly Professor Herta Däubler-Gmelin, Chairwoman of the Committee on Human Rights and Humanitarian Aid, for this very well organized and innovative Conference, and for this important opportunity, which I shall firstly use to lay a message, both personally and on behalf of my Parliament, of our sympathy for the pain of all those in Europe and throughout the world who are not respected in their fundamental rights.

If I may, I should also like to congratulate Professor Herta Däubler-Gmelin on her commitment on laying the foundation stone of a parliamentary network which will enhance chances and opportunities for a coherent and fair human rights policy in Europe.

As the Chairman of the Committee on Constitutional Affairs, Rights, Freedoms and Guarantees of the Portuguese Parliament, the Committee which, besides dealing with justice and home affairs, is more directly competent on the Human Rights issue, even though it is not designated as a Committee on Human Rights, and as the Coordinator of the Human Rights Award Working Group of my Parliament, I feel very honoured to be closing this Conference, and I thank you for this, Madam Chair, for I know I am also representing the country that will assume the next European Union Council Presidency in the next semester.

Our European Union – the citizens, the Institutions and the Member States – has been making and shall continue to make all the difference in the world in the battle for the recognition and protection of human rights.

In fact, human rights, democracy and the rule of law are some of the main values of the European Union, not only embedded originally in its founding treaty, but also reinforced by the adoption of a Charter of Fundamental Rights and by the implementation of the respect for human rights as a prerequisite for countries seeking to join the Union and a precondition for countries who have concluded trade and other agreements with it (the “human rights clause”).

The European Union sees human rights as universal and therefore its concern can not only be seen on the treaties’ words but mainly in its active promotion of human rights both within its borders and in its relations with third countries.

The focus of the European Union’s human rights policy is on civil, political, economic, social and cultural rights, the rights of women and of children, the rights of minorities and displaced persons, but also on a very important recent issue - the defence of fundamental rights in view of the fight against terrorism.

As far as the European Union is concerned, the record on human rights is good but not perfect:

- there is still the need to fight racism, anti-Semitism, xenophobia and discrimination against minorities and women;
- there is still a concern on the problems raised by asylum and migration (even though the creation of the European Refugee Fund

has made a difference, particularly in the definition of the rights of the five million non-European migrant workers legally established in the European Union, including the right of family members to join them;

- there is a growing need to use cross-border programs with local police, judicial and law enforcement authorities to stop illegal trafficking and sexual exploitation, particularly of women and children.

But we may also point out the role of the European Union in promoting and defending human rights across the world, including in Eastern Europe and Central Asia, the Balkans, the Middle East and North Africa, sub-Saharan Africa, East and Southeast Asia, Afghanistan, Iraq and Iran, most of the times multilaterally, working with the United Nations, the International Criminal Court (ICC), the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE) and other organizations, and supporting the work of many non-governmental organizations (NGOs).

The European Union campaigns towards the protection of human rights include:

- the universal abolition of the death penalty,
- the prohibition of torture and other cruel, inhuman and degrading treatment,
- the protection of the rights of children and women,
- the recognition and cooperation with defenders of human rights, such as Amnesty International and Human Rights Watch;
- election support,
- the support of the International Criminal Court and other actions such as the Annual Report on Human Rights in the World, and the European Union's Human Rights Policy, both adopted by the

European Parliament, and the Prize for Freedom of Thought and the Natali Prize, awarded by the European Commission.

The most recent signs of this concern for the protection of human rights are the establishment of the European Union Agency for Fundamental Rights, and the European Initiative for Democracy and Human Rights' projects, which put respect for human rights and the strengthening of democracy into a long-term context.

As far as **Portugal** is concerned, I firstly want to tell you that my country has been a democracy for the last 33 years, after a democratic revolution that founded the rule of law, the democratic constitution and the respect for fundamental rights as the basis of the political system.

Our record of respect for human rights is a good one. Nevertheless, we have had some concerns on this issue, like all other European Union countries.

According to Amnesty's International Annual 2007 Report, I may briefly tell you that, unfortunately:

- incidents of police ill-treatment and fatal shootings were reported (six people died);
- training in the use of firearms by police officers was not yet adequate;
- overcrowding, poor hygiene and lack of resources in prisons increased concerns about substandard conditions;
- insufficient resources hampered efforts by the national Commission for Equality and against Racial Discrimination to deal with continuing incidents of racism.

Fortunately, this very month of June, Minister of Justice Alberto Costa announced government plans to close 22 prisons and to enlarge others, increasing the total capacity from 12,000 (twelve thousand) to 14,500 (fourteen and a half thousand) places.

Moreover, I must say that we are facing increasing domestic violence. Therefore, reforms to the penal code which are now under approval include defining domestic violence to include ill-treatment between unmarried, same-sex and former couples, as well as abuse between parents and children. If the violence takes place within the family home, this will be considered an aggravating factor.

But let me also point out that in the next EU Council Presidency, which Portugal will assume in the next semester, one of our priorities will be the fight against inhuman and salver labour in the European Union, not only of third country immigrants but even of European Union citizens that are migrants within the EU.

Portugal, in particular, feels the urgent need to harmonize labour legislation in the EU in order to avoid degrading working conditions everywhere in the European Union.

It will also be our duty to promote human rights in cooperation with African countries, especially our ancient colonies, that speak our language and, in most cases, have adopted our constitutional model and our political system, but where there are, in some cases, serious problems of disrespect for human rights.

The immigration concerns will also occupy our main priorities. In my Parliament, an immigration law passed last month, in order to harmonize

our legislation to the European one and to increase protection of immigrants, promote their legalization and the respect for their rights and this law included measures to provide residence permits to victims of trafficking.

Portugal is aware of its role, as the next Presidency arrives, in the promotion of fundamental rights at home, in the EU and around the world, and will assume the defence of human rights as a priority and a limit to the fight against terrorism.

As says Benita Ferrero-Waldner, European Union's External Relations and European Neighbourhood Policy Commissioner: *“Respect for human rights is one of the most fundamental and universal values of our world. All of us, in our official capacity and in our private lives, have a responsibility to promote and protect the rights of our fellow members of the human family, be that at home or elsewhere in the world.”*

We have also recognized the importance of the European Convention on Human Rights and the very important role of the Council of Europe, its Venice Commission, its Human Rights Commissioner, its Committee for the Prevention of Torture and mainly of the European Court of Human Rights in the fight for the protection and promotion of fundamental rights.

But now is the time to think of what we, as parliamentarians of the European Union State Members, can do to promote human rights in Europe and around the world.

We do have a lot of legal instruments to cope with in the European Union:

- our Treaty, in particular article 6
- and the Charter of Fundamental Rights of the European Union.

But this Conference demonstrated our common will to make Europe lead the way to a European human rights' policy in which the Parliaments of the European Union's Member States can make a difference, because the Parliaments have always been the leading engines of democracies: the birthplaces of the promotion of fundamental freedoms and the bearers of the competence in the definition of legal instruments in the areas of Justice, Freedom and Security.

In my opinion, **the importance of the parliamentary dimension in the promotion of Human Rights lies not only in our LEGISLATIVE POWER – the power to make good laws, of promotion and of defence of Human Rights - , but also in our CONSTITUTIONAL POWER TO INFLUENCE OUR NATIONAL GOVERNMENTS AND TO CONTROL THEIR ACTIVITIES.** It is our first duty to assure that the Governments are acting in view of the respect of Human Rights at home and in their international relations.

And these two main powers have plenty of room to work in.

Today's main challenges in this open space of the European Union are not easy to deal with.

In fact, we must recognize that even those of us who may consider ourselves the most ancient European States in the promotion of democracy and Human Rights are not preserved from the shadow of guilt in this matter.

- **The fight against terrorism,** probably the most important battle in Europe nowadays, has proved the difficulty of perfection: the defence of

fundamental rights, liberties and constitutional guarantees cannot be taken for granted but must always be fully respected. **It must be our lighthouse. There is where Europe can make a difference.**

- Besides, the **growing menaces in Europe** - racism, xenophobia, discrimination against minorities, poverty and social exclusion, the traffic of human beings and domestic violence – have to be dealt with.

In this fight to promote Human Rights, we cannot forget that **the European Union shares with the Council of Europe the same main values and purposes.**

It is true that the Union has been mainly inspired by the European Convention on Human Rights, as well as by the Jurisprudence of the European Court of Human Rights.

And both organisations should permanently seek to work together and cooperate in their proper fields of competence, as a complement and not in competition or concurrently. A good example of this, I suppose, was the recent collaboration in the matter of the alleged CIA flights. The ideal aim would be that the European Union acceded the European Convention on Human Rights, a purpose which was expressly underlined by Commissioner Franco Frattini in the written speech he addressed to the Parliamentary Assembly of the Council of Europe last 18th April.

Let us all, national parliamentarians of the European Union, leave here today a good signal to all those who are watching for the respect of Human Rights in Europe and around the world.

Let us tell them that the promotion and the defence of Human Rights is the **lighthouse of our democratic powers.**

Let us tell them that Europe, at a European level but mainly in the various national levels united can make a difference.

We have a lot of work to do in order to achieve these goals.

Personally, I will do my best to organize a conference similar to this, in the next semester, that may continue the work that you, Madam Chair, have begun here, in this new and “wunderbar” Berlin.

I thank you for your attention and congratulate once again Professor Herta Däubler-Gmelin on her commitment to enhance parliamentary work in the frame of the human rights policy in Europe.

Berlin, 15th June 2007

Oswaldo de Castro, MP, Chairman of the Committee on Constitutional Affairs, Rights, Freedoms and Guarantees of the Portuguese Parliament