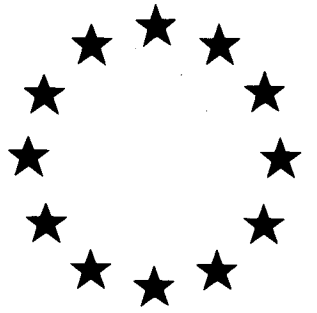


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**HUMAN
RIGHTS**

1-2/78

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A Message from the Secretary General

It is with particular pleasure that I introduce this first number of COUNCIL OF EUROPE FORUM which replaces not only "Forward in Europe" but also "Education and Culture".

There are several advantages in having one periodical to cover the whole range of the Council's work, rather than a number of sectorial magazines. It is important to my mind that the essential unity of our multifarious activities should be made manifest through their presentation in a single publication. Our resources in money and staff do not permit the regular issue of more than one well produced and illustrated review. Finally, readers' replies to our questionnaire concerning "Forward in Europe" revealed in many cases a desire for a more substantial magazine, able to cover subjects in greater depth and from more aspects than was possible under the old formula.

We hope you will find FORUM an improvement over its predecessor. We hope also that you will help us to improve it further.

Georg Kahn-Ackermann



GEORG KAHN-ACKERMANN
Secretary General of the Council of Europe

“It is vital that all the member States ratify the European Convention on Human Rights and recognise the right of individual application in order to turn the democratic Europe of the Twenty into a ‘human rights area’.”



The year 1978 marks both the 30th anniversary of the proclamation of the Universal Declaration of Human Rights by the General Assembly of the United Nations and the 25th anniversary of the entry into force of the European Convention on Human Rights.

The Convention gives effect on a regional basis to the most important principles contained in the Universal Declaration. But it does more than that. Its unique and original features are that it establishes not only a system of collective protection benefiting every individual under the jurisdiction of Contracting States, whatever his nationality, but also a system of judicial control. This control is exercised by the European Commission and Court of Human Rights.

Since its establishment in 1954, the Commission has examined more than 8,000 applications, and since 1959 the Court has delivered 27 judgments.

Difficulties which may still arise concerning the application of the Convention are largely due to the fact that the optional clauses providing for a right of individual application to the Commission and the compulsory jurisdiction of the Court have not yet been adopted by some Contracting States. This is a deficiency which I hope will soon be remedied.

Of course it is always possible to improve the control system, especially in view of the growing number of Contracting States. Various ideas have been suggested here, some of which are already being studied and some of which will be examined soon (acceleration of the procedure, right of the individual to refer a case to the Court, etc.).

Nevertheless, we can note with a certain amount of pride that for a quarter of a century, the Council of Europe, faithful to its statutory vocation, has unceasingly extended the scope of human rights protection. Indeed the European Convention on Human Rights has already been supplemented by several Additional Protocols, and a further Protocol guaranteeing new civil and political rights is currently under study.

Furthermore, some people – including the President of the Parliamentary Assembly of the Council of Europe, Mr. Czernetz, and the Minister for Foreign Affairs of Norway, Mr. Frydenlund – have recently spoken out in favour of extending

the protection afforded by the Convention to certain so-called “economic, social and cultural” rights. It is true that a number of social and economic rights have been guaranteed by the European Social Charter since 1961, but that instrument – whose control mechanism differs from that of the Human Rights Convention – makes no provision for a right of individual application resulting in a judicial decision.

This would seem a suitable time, therefore, to consider whether certain economic and social rights might benefit from the more effective system of protection afforded by the European Convention on Human Rights. This is an aim worthy of our efforts, a task as dignified as that accomplished more than thirty years ago by the “fathers” of the Convention, and which some of them already envisaged at the time. One such was Mr. Teitgen, who said in a report presented to the Parliamentary Assembly in 1949:

“Certainly, ‘professional’ freedoms and ‘social’ rights which have in themselves a fundamental value, should also, in the future, be defined and protected; but everyone will understand that it is necessary to begin at the beginning, ... to guarantee political democracy in the European Union, and then to co-ordinate our economies, before undertaking the generalisation of social democracy.”

In human rights matters, the Council of Europe must go forward, faithful to the aim expressed in the preamble to its Statute: “the pursuit of peace based upon justice and international co-operation (which) is vital for the preservation of human society and civilisation ...”. Recent events show that we can no longer think of human rights only in national or regional terms: the debates within the United Nations and the Conference on Security and Co-operation in Europe (CSCE), the declarations of certain heads of State, and the latest meetings of the Committee of Ministers of the Council of Europe all provide adequate demonstration of the importance of human rights as a factor in international relations.

Hence it is vital that all the member States ratify the European Convention on Human Rights and recognise the right of individual application in order to turn the democratic Europe of the Twenty into a “human rights area”.



Make migrants feel at home in the industrialised countries.

DEMOCRACY

Decentralise for better rule

In Sweden, migrants can vote locally. Will this right be introduced in other countries following the Stockholm Ministerial Conference on Local Authorities?

"We must find new ways of strengthening local democracy. Decisions must be made close to the individual." These words by Johannes Antonsson, the Swedish Minister of Local Government, can be regarded as a manifesto for the Council of Europe Conference which is to be held in Stockholm on 7th and 8th September.

The Conference will focus on the question of greater citizen participation and the further development of democracy in local government. These questions have assumed increasing importance in recent years, and the new Swedish Government has embarked on a wide ranging campaign to deepen local democracy and increase the involvement of the individual citizen.

On Swedish intentions, Mr Antonsson has this to say to FORUM: "We wish to decentralise various public functions and also, to the greatest possible extent, to transfer decision-making powers from central national authorities to bodies at regional and local levels. This is the best way of ensuring that citizens are in a position to influence decision-making."

Mr Antonsson continues: "There is a serious danger of large numbers of citizens feeling powerless when confronted by the problems of modern industrial society. The keywords of deeper democracy are decentralisation and citizen participation".

Decentralisation and citizen participation will therefore be among the key questions at the Stockholm Conference. Questions for further study include different ways of improving local government information, the role of the "popular movements" in local government, and the question of consultative referenda.

The status of immigrants will be a special subsidiary topic on the agenda. This is a burning question in many of the industrialised countries of Europe today. What rights should immigrants

enjoy? How can they best be integrated with the rest of the community? And what rules should apply concerning voting rights? Many more questions could be added to this list.

Thorbjörn Fälldin, Prime Minister of Sweden, observes that Sweden follows "a strict policy on immigration". He continues: "Only if employers' associations and trade unions are agreed that there is a need for additional labour can immigrants be awarded work permits. But in return we wish to assure immigrants of the same benefits as the Swedish population. One means to this end is to allow immigrants to vote in local elections without being Swedish subjects, as we have now done. We have great confidence in the efficacy of this type of participation in the political process. "Many industrial nations depend on immigrants to keep their economies going. It ought therefore to be natural to give immigrants an opportunity of participating in other aspects of social construction."

The Stockholm Conference, third of a series initiated in Paris in 1975, will bring together the Ministers of Local Government of twenty nations.

Stig Berglind

FELLOWSHIPS

Candidates please

The new Baden-Württemberg Teacher Training College at Donaueschingen will take in up to 100 foreign teachers in the current year. Of the 40 one-week courses on the annual programme, half will set aside between 3 and 5 places for foreigners.

Board and lodging is paid by the college, with the help of subsidies from the Baden-Württemberg Ministry of Education and Culture, the German Federal Government and the CCC (Council for Cultural Co-operation of the Council of Europe).

The further training courses concerned are devoted to the priority themes of European education.

In addition, the college plans to organise two international seminars per year. These will be devoted to informing educationists from CCC member states about the Council of Europe's work in education and its application to the school situation.

The increased European content of further training courses for teachers stems from an initiative by the Secretary General of the Council of Europe, Mr Georg KAHN-ACKERMANN, whose original plan to found a European teachers' centre in Strasbourg had to be abandoned because of prohibitive costs.

The Donaueschingen College may serve as a model for other countries, thereby usefully extending the Council of Europe's programme of further training courses for teachers.

Since 1970, 400 teachers a year have attended short courses abroad thanks to a bursary scheme managed by the Council of Europe. Eight countries offer such courses, which are open to candidates from the 22 CCC member states. The range of courses is very varied: in the United Kingdom those intended for primary and junior school teachers attract greatest interest, while in Austria vocational training is the most popular subject. Turkey is unique in offering specialised courses for training prospective teachers of migrant children.

In order to attract candidates from a wider area — teachers from one and the same institution frequently apply several times — the Council of Europe intends, as an experiment, to send the programme of bursaries to all the teaching establishments in one country.

How to help the less favoured regions ?

REGIONS

North-South dialogue between the two Europes

The Convention on regionalisation problems brought together 300 mayors and locally and regionally elected representatives in Bordeaux at the end of January.

The standard of living of an inhabitant of Hamburg is today seven times that of a Calabrian, and that of a Parisian is five times that of an inhabitant of western Ireland. These figures, cited at the Bordeaux Convention organised by the Conference of Local and Regional Authorities of Europe, demonstrate the disequilibrium that exists between the regions.

The balance can only be re-established by means of a dialogue between the rich regions and the poor. Indeed, a glance at the economic map of the "Europe of the Twenty" reveals two Europes that are quite different, if not diametrically opposed. Contrasted with the over-developed, over-industrialised nucleus of north-west Europe, the area within the Hamburg - London - Paris - Milan quadrilateral, there is a peripheral Europe, extending from northern Scotland to the Mediterranean islands and encompassing Greece, southern Italy, Spain and Portugal. Figures prove that the gulf in living standards between the wealthy part of Europe, which has continued to develop despite the economic crisis, and the poor parts of the

continent, which have fallen even further behind precisely because of that crisis, has grown ever wider.

As Mr Aquilino Machado, Mayor of Lisbon, has pointed out: "Unless we want this disparity to turn into an antagonism that would spell death to the unity of the continent, it is high time voluntary action was taken to help the worst-off regions of the south". In this, the Mayor of Lisbon shares the sentiments of the Mayor of Athens, Mr Papatheodorou, who adds: "This dialogue must not point simply to a redistribution between the north and the south of Europe, but must take place even within individual countries". Ireland, western and southern France, the greater part of the Iberian peninsula, the Italian Mezzogiorno, Greece and Turkey are indeed regions whose chronic under-development perfectly illustrates the contrast that exists between prosperous regions and poor regions even inside the majority of states.

The first step on the way towards reducing these disparities and ironing out the economic and social inequalities is the physical planning of Europe on the basis of stronger regional structures. A strong regional structure will enable development resources to be redistributed and co-operation across frontiers to be improved. It should be based on a search for the cultural identity of the different regions given their own financial resources. Thus regionalisation means development of characteristic features, values and customs, and opportunities for the maximum possible number of citizens to have their say in the process of European integration.

Nicole Rontchevsky



Underwater history

Treasures hidden beneath our seas are slipping through a net of incomplete and contradictory laws

Most may think that underwater exploration is a pastime, with the chance of finding treasure and making attractive films. Why then should Mr Roper (United Kingdom, Labour MP) be steering the cultural committee of the Assembly into a major European study of the underwater cultural heritage?

The reason is certainly not to deter the thousands of sub-acqua enthusiasts — even from land-locked Austria or from the lakes of Switzerland — whose co-operation is eagerly sought by those who recognise the historical importance of the underwater heritage.

At present European governments individually lack the resources necessary to excavate and record the countless wrecks and coastline features that have already been located. Much must be protected against piracy and the often unintentional disturbance that may upset or even obliterate an underwater site. All available effort should for the moment be concentrated on the proper conservation and publication of the fascinating story that can be told from what has already been found.

At a parliamentary hearing organised by the cultural committee in Paris on 2 March 1978, comparison was made with the sort of evidence left in Pompeii by the eruption of Vesuvius. The shipwreck is just as revealing of normal life in former times. It may yield a unique wooden bowl or a statue by Lysippos, parts of an eighteenth-century collection of ancient Greek vases or an earlier everyday load of amphorae, the siege equipment or the officers' tableware of an armada.

The need for historians and archaeologists to recognise underwater archaeology was one of the many points underlined at the Paris hearing. Papers were considered on the archaeological and the legal aspects of the question. Many loopholes remain to be corrected in national legislation and clearly some agreement must be sought between countries bordering on single seas.

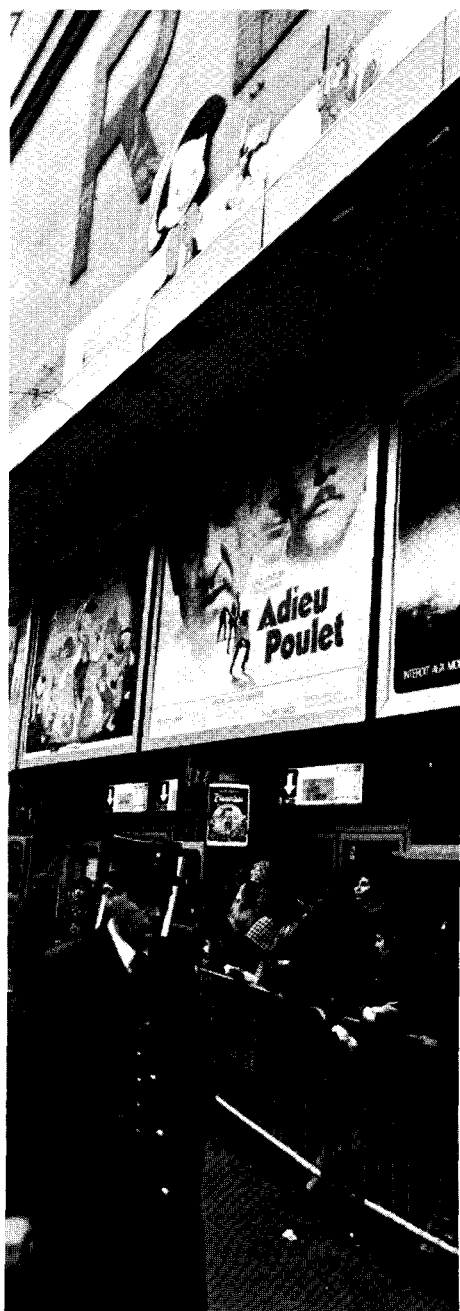
Council of Europe countries may encompass the North Sea, but Mr Roper's final recommendations, when put to the Assembly in autumn this year, are likely to extend to states bordering also the Baltic, the Mediterranean, and the Black Sea. In terms of Europe's historical and cultural heritage, the sea should know no boundaries.

Christopher Grayson



Festivals and prizes, but ...

... the film industry is in trouble.



CINEMA

What price quality?

The film industry is likely to come in for searching scrutiny at a symposium on *Cinema and the State* to be organised by the Committee on Culture and Education of the Council of Europe Assembly in Lisbon from 14 to 16 June 1978.

The symposium will consider the possibilities and limits of state support, on the basis of a frank discussion of recent critical developments in European cinema. The contrast will undoubtedly be noted between the dramatic decline in the number of cinemas in Europe (a fall of 20% in the original 6 EEC countries over the last 10 years) and the flourishing state of the American film industry. However, many European film-makers would far rather be accused of ignoring market requirements than be said to aim at box office appeal. But if artistic standards are to count more than sales considerations, the tax-payer will have to foot the bill.

One problem for the state is how to subsidise creative work without encroaching on artistic freedom. A close look will have to be given at censorship. One area for state intervention is in the production and distribution stages. It is through their distribution networks that the American multinational film companies score most heavily over their European competitors. Technology (television and related media) offers a more general threat to the traditional cinema.

Is there an independent future for films in Europe? What policies should governments pursue individually or collectively? Discussion of these questions, by parliamentarians, ministry officials and representatives of all aspects of the film world, will be led in Lisbon by the Italian Director Luigi Commencini.

TREATIES

The 100th Council Convention

The 100th Convention drawn up within the Council of Europe and recently opened for signature by member states concerns the obtaining abroad of information and evidence in administrative matters.

It represents an important step forward in the Council of Europe's programme of legal co-operation since it is one of the first general international instruments in the field of mutual administrative assistance.

Mutual assistance between administrative authorities in different countries is very often informal and pragmatic.

The main objectives of this Convention are to simplify and speed up procedure and to help protect the rights, freedoms and interests of the individual.

The aim is for the Contracting Parties to follow up requests for factual information, for the issue of documents or for investigations or to answer administrative letters rogatory.

To this end the Convention provides for the creation of a system of central authorities in each contracting state to answer requests for assistance.

TEACHING

School movies

Film centres in 11 European countries are to co-produce audio-visual material intended both for migrants' children and for secondary school classes on the following subjects: environmental protection, demography and regional planning.

More audio-visual aids for schools.



The CCC (Council for Cultural Co-operation) was the initiator of this project, which will enable costs to be reduced. Several series of films on geography, biology and physics have already been produced and are described in a catalogue of 150 titles.

According to a survey conducted in the participating states (Austria, Belgium, Denmark, the Federal Republic of Germany, Finland, France, the Netherlands, Norway, Spain, Sweden and the United Kingdom), several hundred thousand pupils have seen these films. More than 10,000 teachers have used them in their classes. These figures demonstrate the success of the series. The material may be requested even by countries which produce little in connection with the project, as well as by non-European countries.

With this new series of films, the CCC is attempting to publicise, through the schools, the priority activities of the Council of Europe in the above areas.

Wolfgang Rössle

MIGRANTS

The Social Security maze

The Council of Europe's Convention on Social Security, which entered into force during 1977 in Austria, Luxembourg, the Netherlands and Turkey, aims to ensure that when a person moves to another country, he retains the social security rights which he has acquired or was in the process of acquiring.

Responsibility for implementing the Convention falls mainly on the social security institutions: in some countries a single national administration, in others many autonomous bodies. The effective uniform application of the Convention is thus dependent on these bodies being properly briefed.

For this purpose some 150 representatives of these institutions will attend a joint meeting with the Council of Europe Steering Committee on Social Security in Strasbourg from 24 to 26 May 1978, organised in conjunction with the International Social Security Association. Representatives of a number of social service agencies, both sides of industry, and the Council's Parliamentary Assembly are expected to attend as observers. The opening and closing sessions will be public.

Since the Convention is intended to replace most of the multitude of existing bilateral agreements, it is to be hoped that it will lead to a considerable simplification of the paperwork and administrative formalities

necessary to provide migrants with the benefits to which they are entitled.

This dialogue between government experts and those who apply international texts should also point the way to improvement in such areas as reducing the time taken to examine and settle pension claims involving several countries and simplifying administrative procedures for those who fall sick abroad.

Christopher Lockett

SCIENCE

A European parliamentary hearing as an aid to political decision-making

The many practical applications of remote-sensing are prompting Europeans to ask whether they can continue to depend completely on other countries in this field.

For a long time the relationship between scientists and politicians was characterised by mistrust. Jealous of each other and of their prerogatives, it was only very recently that they decided, under pressure of the rapid development of scientific knowledge and technical progress, to meet in order to identify solutions to the problems of society.

Thus, on 11 March in Toulouse, the European Joint Committee on Scientific Co-operation (a Council of Europe organ composed of scientists and parliamentarians) tried a new experiment, as an aid to political decision-making, in the form of a parliamentary hearing on "Europe's specific needs in the field of remote-sensing".

Remote-sensing is well known to have practical applications in many fields. Pictures transmitted to earth by observation posts (satellites, space labs, planes, etc.) are used, for example, in connection with crop forecasting, pollution control and oil and mineral exploration.

The purpose of the hearing was to provide parliamentarians with enough information to decide whether or not Europe needs its own remote-sensing programme.

The two sides were made up as follows: first, a *parliamentary panel*, chaired by Mr A. Bouloche, French Deputy, comprising about forty parliamentarians assisted by scientific advisers.

Secondly, the *group giving evidence* consisted of about 60 people representing those basically responsible for formulating and implementing space policy

in Europe, i. e. the representatives of the national and European space agencies, users from the Ministries in the different countries, experts present in a personal capacity and officials from international organisations.

The Toulouse experiment was a new one. The large number of parliamentarians who attended, the questions raised, and the active participation of the group giving evidence meant that genuine problems could be discussed.

As the General Rapporteur, Mr Charles Hanin (Belgian Senator) and the moderator, Mr E. Van Aal (Belgian Senator), remarked, the hearing served its purpose: the parliamentarians were informed. They will now present draft recommendations to the governments through the Assembly. It only remains to continue the experiment in other important fields.

Jean-Pierre Massué

SPORT

Politics in sport

At first sight politicians discussing the intrusion of politics into sport may seem somewhat paradoxical. However, many of the problems facing sport today have assumed such proportions that only concerted international action can resolve them.

European Sports Ministers condemned apartheid and any other form of discrimination contrary to the Olympic Charter when their 4-day Conference ended in London on 7 April.

To counter the intrusion of politics into sport they called for a constructive relationship with international sports bodies, less use of flags and anthems

in international competitions, and appropriate measures when athletes are withdrawn from events for reasons unrelated to sport.

The question of violence associated with sport was referred to the Council of Europe for study of the causes and means of preventing antisocial behaviour at sporting fixtures.

The Council was also asked to examine ways of regulating the role of advertising and to draw up a code of ethics for commercial sponsorship and professionalism.

The Conference condemned doping and recommended the regular testing of athletes, the establishment of suitable laboratories and stricter penalties for athletes found using stimulants.

The next Conference will be in Spain in 1981.

Jack Hanning



Sforza Galeazzo Sforza

On 28 December 1977, after a painful and incurable illness, Sforza Galeazzo SFORZA, Deputy Secretary General of the Council of Europe, died in Strasbourg in the old Alsatian country house which he had restored and made his home. During his 28 years' service with this Organisation, he continued the far-sighted work of his father, Carlo SFORZA, a signatory in 1949 of the Statute of the Council of Europe, and devoted his best years to the achievement, laid down in that Statute, of greater unity between the member countries.

Throughout his life he was a friend to all, placing the greatest value in respect for neighbours, the need for harmony between man and his living environment, and the qualities of devotion and loyalty. He immersed himself fully in his work, going far beyond the

confines of the Council of Europe in his search for a European humanism, the expression of a perpetually changing civilisation.

His love for Europe, which was born with him and strengthened by exile, was fulfilled in the Council of Europe of which he became one of the earliest servants.

A lover of freedom, he upheld it with remarkable firmness, without ostentation, but with an unshakable faith, giving his constant support to the defence of human rights and the improvement of the condition of refugees and migrants.

He was also a man of culture, both in his practice of the arts themselves and in the determination with which he fought to the very end to ensure that present-day European man should enjoy a living environment made up of the heritage of the past, integrated into contemporary life and adapted to the development of civilisation. In that spirit, everywhere, in the places where he lived and also in the wider framework of the regions and of Europe itself, he personally took part in campaigns for rehabilitating, conserving and reviving the architectural heritage.

Lastly, for all those who knew him, he was a courteous man, mindful of the problems of others and of their emotional susceptibilities, quick to respond, discreet about his own difficulties and stoic in his suffering. In short, Sforza Galeazzo Sforza was a man who

succeeded in giving a magnificent lesson of serenity and quiet courage.

Georg Kahn-Ackermann

André Bouloche

On 16 March 1978, Mr André Bouloche, French Deputy and former Minister, the initiator and one of the key personalities involved in the Toulouse meeting, died in a tragic accident. A member of the Parliamentary Assembly since 1973, he gave skilful service to the Committee on Economic Affairs and Development and the Committee on Science and Technology. As Chairman of the European Joint Committee on Scientific Co-operation, he gave all he could to ensure that this organ, a meeting place for parliamentarians and scientists, should become for politicians a genuine instrument for evaluating scientific and technological problems.



KARIN SÖDER Minister for Foreign Affairs of Sweden

What future for the Council of Europe

"I think it important for member governments to reflect seriously on the future of the Council of Europe... I believe that careful and constructive thinking would eventually result in narrowing down the organisation's scope of activities."



Not long ago a distinguished representative of the European Communities was asked by a non-governmental organisation to perform an honorary function on an occasion organised in Strasbourg. To him there was probably nothing puzzling in this request, since the European Parliament was in session in Strasbourg at that time. The event had, however, an unmistakable Council of Europe flavour, and he delivered his speech beneath the blue flag with the twelve stars of the Council. The impression created was clear enough: somebody in the organising committee had confused the European Communities and the Council of Europe.

Whether true or not, this episode points to a very pertinent question. Is the Council of Europe losing its identity?

Having had the privilege of working in both main organs of the Council of Europe, I have often been confronted with the eternal question of the role of the organisation. Everybody is convinced that it serves a useful purpose, but there seems to be a variety of views on what exactly it should do. Recently, the problem has grown more acute in view of the possible enlargement of the European Community with a directly elected parliament.

Reappraisal of joint action

During the early years of its existence the Council of Europe was forced to review the part it was to play in building a democratic and prosperous Europe. Duplication of work had to be avoided and the predecessor of the OECD, the OEEC, appeared for obvious reasons to be better equipped to cope

with specifically economic problems. It was thus only natural that the OEEC should be entrusted with the concrete tasks of European postwar reconstruction.

Today, there is the same need for rational analysis in deciding how to divide work among the large number of bodies active in the field of European co-operation. We should therefore be open to a continuous reappraisal of areas suitable for joint European action. To be useful, this process should be matched by unprejudiced inventories of the political and financial resources that have been or could be expected to be conferred upon the Council of Europe.

If resources are wasted on duplication of work, it is invariably the less specialized organisation that runs the risk of losing out. If the competing organisations are composed of the same member states, no harm might be caused to them. But if the Council of Europe left important activities to be carried out by organisations with a more limited membership, some states would find themselves excluded from joint projects of great value to them.

On the other hand, there would, of course, be no point in trying to conduct activities within the Council of Europe which could be handled more efficiently by other organisations. A peaceful "transfer of power" has taken place, for instance, in the field of the environment. Here the Council of Europe was the pioneer. But when we all became more aware of the problems connected with the human environment and attempted to define them, it turned out to be practical to entrust different tasks to different international organisations — the UN, the ECE, the OECD,

etc. The Council of Europe retained those activities directly related to its geographical area and to its membership structure.

Specialisation and concentration

In the light of the above considerations, I think it important for member governments to reflect seriously on the future of the Council of Europe in order to find a way of making good use of the valuable asset that it constitutes. I believe that careful and constructive thinking would eventually result in narrowing down the organisation's scope of activities. Its work could be focused on certain fields of central interest and importance — and within them on action-oriented projects. The expression "action-oriented" is used here not as a synonym for spectacular but to denote the aim of achieving tangible, practical results. In this sense the valuable but lengthy process of harmonizing national laws in various fields can be said to be action-oriented.

Specialisation and concentration of the Council of Europe's resources would hopefully produce high quality results which could help to draw greater attention to the organisation itself. This, in turn, might help the Parliamentary Assembly to attract politicians with a particular interest in those fields.

I am also concerned that if the Council's activities were to attract the interest of East European states, their association with the work should be welcomed, since there should be no contradiction between co-operation within the Council of Europe and working together in an all-European context.

The sectoral co-operation already established with Finland, the Holy See and, to some extent, Yugoslavia, constitutes a good example of how this can be brought about.

It is, of course, the prerogative of member governments, assisted by the Parliamentary Assembly, to identify fields for future activities. In doing so they have a firm base in the fundamental ideology on which the Council of Europe is founded — the common dedication to parliamentary democracy and human rights. As far as I am concerned I can only say that the work of the Council to safeguard the freedom of the individual and codify different aspects of social and cultural rights has already produced impressive results. It must be in the interest of all member states to keep the Council of Europe as the main organ in Europe for such work, which can no doubt be further developed. There are probably other fields in the organisation's work programme which deserve to be concentrated on — I would for my part suggest for instance the sectors of

social security and migration — while there might be others which we could afford to relinquish.

New trend

What has been said so far concerns the practical day-to-day work of the organisation. One should not forget, however, that another of the main functions of the Council of Europe is to serve as a forum for discussion and contacts between politicians from twenty member countries. Although the Parliamentary Assembly would benefit in certain respects from the same process of specialisation as the Committee of Ministers, the expert committees and the Secretariat, its unique role as an imaginative generator of fresh political ideas must not be jeopardized.

As far as the activities of the Committee of Ministers are concerned a new trend seems to be emerging.

During the last year the twenty Ministers for Foreign Affairs have been able to discuss not only matters strictly confined to the realm of the Council of Europe, but also other political subjects of general interest. These sessions have added a new dimension to the organisation and I have found them to be of great value. It goes without saying that if these deliberations are to continue to be successful, it would be desirable that the Foreign Ministers of all member governments participate regularly.

It is both natural and necessary that European ministers in this forum should concentrate mainly on European matters. I find it encouraging, however, that the Council of Europe, which is made up of some of the richest countries in the world, is prepared to look beyond the borders of Western Europe. It is essential not to isolate ourselves since we also have a responsibility towards the world outside our twenty member countries. Wherever the Council of Europe goes from here, it has to act with this in mind.



OLAF SCHWENCKE Socialist Member of the Bundestag and of the Parliamentary Assembly

Cultural politics

"The nature of politics would be changed, affording prospects for a cultural policy as folk culture."

It is not easy to define the purpose of common approaches to European cultural policy, because there is no universally accepted definition of culture. While not a Marxist myself, I would agree with the Marxist thinker, Max Raphael, who said: "The bourgeoisie no longer supports art (and) the proletariat does not yet support it."

In other words, hitherto in Europe neither cultural democracy nor cultural policy have been fashioned from the same material, but there are political

imperatives and generally recognisable problem areas, to which cultural policy must react. Serviceable political prerequisites include the rule of democracy ("Culture for All" as the layman might put it) and a number of socio-cultural areas which are largely ignored politically. Here the individual must be given additional opportunities for artistic experience, expression, and participation. During the campaign for European Architectural Heritage Year 1975, that is to say through concrete measures of

urban conservation policy, which have been a focal point of the Council of Europe's work in recent years, we were able to learn a great deal that can be turned to account for cultural policy. Similar considerations in other fields can everywhere accelerate the process of cultural democracy whose benchmark is no longer economic growth as such but the cultural development of the individual, his creativity and imagination in the socio-cultural field as a new political factor.



Imagination, diversity: ... culture for all.

Innovation and continuity

The "open society" (Popper), i.e. pluralistic European society, certainly lives by the innovations of the small number of creative people on the one hand, and by the unparalleled continuity of its popular history on the other. Innovation and continuity are manifest features of culture in Europe — they are still the constant and implicit premises of a European cultural policy that needs re-defining from time to time: they are the two sides of the European coin.

It is regrettable that there is no "folk culture" in many European countries and notably in the Federal Republic of Germany. Above all there is lack of continuity. Yet "folk culture" is needed politically as an alternative to bourgeois culture. I see possibilities in a mixture of everyday aesthetics and politics — directed towards a post-economic society guided in its objectives by the limits to growth. There are some signs of this happening. The nature of politics would be changed, affording prospects for a cultural policy as "folk culture". Culture would then no longer be a mere annotation in the margin of society but would have its place in the midst of political life and would have a political function.

Adopt the guidelines of the Council of Europe

As democratisation of culture in this sense has not come about in the Federal Republic of Germany in the same way as elsewhere in Western Europe, where it is a fact of life, we as Germans

need to discuss cultural policy more than do other countries. We as Europeans must then adopt the guidelines which, formulated in various Council of Europe texts, have been discussed at symposia and parliamentary gatherings, and at the 1976 Council of Europe Conference of Ministers with responsibility for Cultural Affairs held in Oslo. These have been translated into the following four-point programme:

1. seeing cultural policy as a political challenge to the modern "crisis" society;
2. improving the quality of life by means of alternative cultural policies;
3. including professional creative workers in social security and old-age insurance schemes; and
4. seeing cultural policy in general as a means of innovation and organising it politically.

There are in this Europe of ours many ideas about cultural policy which manifest themselves in various cultural events. This pluralism is part of Europe's cultural heritage, but it results in a crucial difficulty: culture has always been and still is bound up with politics, with social policy and, moving on from there, with what Carl Friedrich von Weizsäcker calls "world domestic policy". That is the broader cultural answer to the challenge of the "limits to growth". As a new world economic system is developed, culture will become an essential political factor. This means that further destruction of both the ecological and the cultural environment must be stopped, development policy efforts to overcome the North-South gap must be made an absolute priority, and a political solution must be found for the increasing number of marginal groups.

To recognise these fields of conflict demands other qualifications and "vir-

tues" than those traditionally inculcated. An essential requirement to my mind is the development of social imagination, which in my view of human rights is dependent on the existence of such basic values as freedom, justice and solidarity.

Seen thus, there is a growing and universal need for the skilled development of innovatory and creative resources, thereby conferring on cultural policy an increasing and decisive political and social importance vital for the formation of both national and group identities. Innovation and social imagination, rather than continuity, are the order of the day.

Is this not all too abstract and "utopian"? Even if Bloch's plea for "learning to hope" is still just as far from fulfilment as it was 50 years ago, it is true that "all the material and intellectual forces that can be brought into play for the building of a new society are present. That they are not brought into play is to be ascribed solely to the total mobilisation of existing society against its own capacity to free itself" (Herbert Marcuse).

In my view European cultural policy must mean the mobilising of such latent forces: Europe must be innovative while maintaining its links with the broad tradition of popular culture, and must set against the world constraints to domestic policy characterised by the limits to growth a new hope for a different quality of life. The creative political forces and ideas expressed by scholars, artists and politicians must be interpreted in such a way as to reach the so-called "ordinary" people. Continuity and innovation must be brought together as a principle to allow cultural democracy to become a reality in tomorrow's Europe.



KARL CZERNETZ

Outgoing President of the Council of Europe Parliamentary Assembly

Division of labour

“The Council of Europe Assembly need not have any inferiority complex vis-à-vis the future European Parliament”.

The defence of freedom and human rights is one of Karl Czernetz's favourite topics. When discussing it, he knows what he is talking about, having been deprived of his own freedom at a time when his country fell under the domination of an authoritarian regime. The Austrian Anschluss led to his departure into exile. In 1938, at the age of 28, he was in Paris as a member of the delegation of Austrian socialists abroad. He spent the whole of the second world war in London. After returning to his own country, he was given various senior posts in his party in connection with political education, his favourite field. In 1949, he became a member of the Nationalrat, the Austrian Parliament, where he specialised in foreign policy questions, and in 1952 he was appointed his country's observer to the Council of Europe Assembly in Strasbourg. He has never left the Assembly since, having been a full representative of Austria since April 1956 as well as Vice-President of the Assembly on four occasions. From 1959 to 1974 he was Chairman of the Committee on Parliamentary and Public Relations, then of the important Political Affairs Committee, before being elected President of the Assembly in April 1975. He is now about to hand over the presidency to another member, but after becoming an ordinary representative again, Karl Czernetz, with his sprightly figure and sharp eye, will continue to attract the attention of onlookers in the gallery of the Parliamentary Assembly's new chamber.

Question: What is your opinion, Mr President, of the way in which the Council of Europe has developed over the last twenty years?

Answer: A positive one. There is a very important fact which often goes unnoticed. Twenty years ago not all the countries of free Europe belonged to

the Council of Europe. Now the Council comprises all the countries of Western Europe, which *all* — for the first time — have democratic institutions and are all bound by the European Convention on Human Rights.

Question: It is often said that the Council of Europe and its Assembly deal with everything. Shouldn't their role be made more specialised?

Answer: The Council of Europe does not deal with everything. National defence, for instance, falls outside its sphere of competence. Nor is it concerned with matters of a more specific kind, such as economic agreements between countries; but it does deal in a more general way with economic and social problems, such as unemployment and the effects of the economic recession, which are of interest not only to the nine EEC countries. It is, however, desirable that there should be some division of labour between the various international organisations. For some subjects the Council of Europe is the most appropriate framework. One of these is human rights, for which in particular the Council should retain its full responsibility. Other special areas of the Council's activities are environment questions, energy problems and the elaboration of conventions in the legal and cultural fields.

Question: Isn't the role of the Council of Europe Assembly liable to be weakened as a result of the election of the European Parliament by universal suffrage?

Answer: The Council of Europe Assembly need not have any inferiority complex vis-à-vis the future European Parliament. A lot of questions concerning direct elections remain to be settled; but it can be taken for granted that the Parliament will not have any direct legislative powers. The Council of Europe Assembly is composed of

representatives directly elected to their national parliaments, where they play a direct part in law-making. That is its strength. If members of the future European Parliament are not also members of their national parliaments — this raises the problem of the dual mandate, which has not yet been solved — they will be cut off from their roots. Are we to believe that leaders of national political parties, who were said to need to belong to the Parliament of the Nine, will really run the risk of devoting all their energy to an institution devoid of any genuine legislative powers?

Question: What do you think the Assembly's future tasks are?

Answer: It must first of all remain the custodian of democratic traditions and human rights, particularly with an eye to the pursuit of détente with Eastern Europe. It should perform this task without compromising, and then the Council of Europe will not become a copy of the United Nations in this sphere. For the more distant future, the Assembly, and the Council in general, should provide a framework for preparing and fostering Europe's development into a confederation of free democratic states.

Question: What have been the most stirring moments of your presidency?

Answer: The widening of the Council of Europe, of course, with the arrival of Portugal and Spain, and the return of Greece, the birthplace of the concept of democracy. I would also emphasise the Assembly's exemplary attitude and action which led to the expulsion of Greece under the dictatorial regime of the colonels. This was an historic lesson to the world. If only the League of Nations had had the same courage in 1933 and expelled Hitler's Reich, the course of history would surely have been different.

Jean-Claude Hahn
“Le Monde” Correspondent

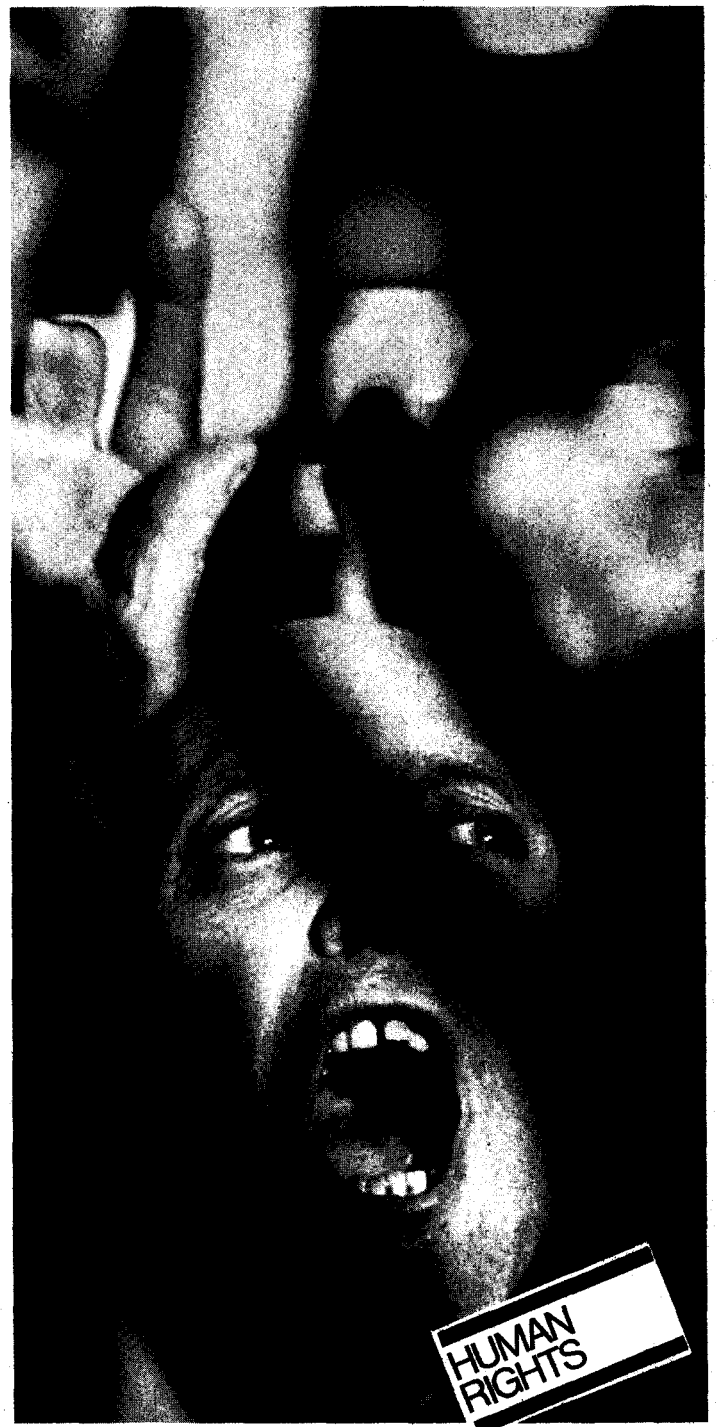
FORUM



COUNCIL OF EUROPE

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KNUT FRYDENLUND Minister for Foreign Affairs of Norway

Further human rights

“There are more than 15 million persons out of work in the OECD countries... In such a situation we cannot be content with ourselves and tell the rest of the world that we are respecting all human rights, whereas the others don't. Our credibility is at stake.”

The issue of human rights is today more in the forefront of international politics than it has ever been before. This is also evident in the work of the Council of Europe. In Western Europe itself, human rights are more universally respected than ever before in the history of the organisation. The return of Greece and the adoption of Portugal and Spain as new members is a clear indication of this.

But the human rights concept is dynamic. New ideas are emerging, not least in the Council of Europe, in regard to the traditional human rights concept. This is an essential development. It is its work on human rights which makes the Council of Europe a unique organisation in the international context. Yet if it is to continue to be so — and if the Council of Europe's labours are to have an effect beyond Western Europe — the work done within this organisation must also be capable of regeneration and it is only if we recognise this fact that we can enter into a meaningful dialogue with the countries in the East and with the developing countries.

If the Western European countries are to have any hope of strengthening international co-operation in the field of human rights they must accept the fact that this co-operation in the years to come must take increased account of the economic and social dimensions of the human rights concept. The Norwegian Government supports this development, first of all because in itself it is right. We cannot concentrate only on traditional human rights as long as the basic needs of major groups of the world population have not been fulfilled.

The recognition by member states of the Council of Europe of fundamental economic and social rights is neces-

sary also to strengthen the credibility of our human rights effort as far as the rest of the world is concerned. The anniversary year 1978 should not only provide us with an occasion for expressing our satisfaction with the results achieved. They are impressive indeed. But they do not amount to a completed edifice. They are major milestones on the way we must continue to take.

Protection against the state

The European Convention on Human Rights deals mainly with those rights and freedoms which were identified during the process of democratisation in Europe over the last 200 years. These rights and freedoms are a means of defence of the individual human being against the authority of the state. They aim at providing protection against any arbitrary law or decision. In this sense, they are the expression of a basic concern with, and struggle for, equal treatment.

Protection against arbitrary acts may in some circumstances mean something different today from what it meant in 1950.

First of all, new phenomena of social life, often having their basis in technological developments, require new responses if the individual human being is to be protected. As a result some rights and freedoms enshrined in the European Convention, while remaining basically unchanged, have acquired new dimensions and therefore require more careful consideration. This applies, for instance, to the right to respect for one's private and family life and to freedom of information and expression.

The European Commission and the European Court of Human Rights are seeking to adapt the significance of all

these rights to present-day needs. In this task they merit our encouragement. But is this enough? Certainly not.

Widening and strengthening

Human rights today means something more than a defence against arbitrary interference with a person's rights. The younger generation in particular expects more than a mere means of defence. They want equal opportunities to take an active part in the life of the community. Only to the extent that we also meet such expectations as these can we retain our credibility when we make pledges for the protection of human rights.

This means that we have to consider enlarging the Convention by including in it some fundamental social, cultural and economic rights. In this connection, we should also consider, as a supplementary or alternative approach, the strengthening of the system of implementation of the Social Charter. Other possibilities should also be kept open.

Norway is, for its part, prepared to give this work — which must receive top priority in the advancement of human rights through the Council of Europe — every possible support.

However, we know that there are difficulties ahead and we know that strengthened protection of those rights will not solve all the problems with which western democracies are confronted.

When choosing between different approaches, certain considerations have to be borne in mind. For instance, we know that for inclusion in the Convention a right must be more than a principle. Even when it is a fundamental principle, it has to be justiciable.

As examples of social and economic rights which may be considered suitable for judicial control, I would mention the right to receive adequate help in cases of non-voluntary unemployment; the right to strike; the right of equal treatment of men and women in various fields such as those involving labour law and family law.

These are examples, no more, but they are examples to which we have given careful consideration.

As an example of rights which cannot easily be made justiciable, but which are nevertheless of fundamental im-

portance, I should like to mention the right to work. Today, there are more than 15 million persons out of work in the OECD countries. That is more than 15 million people deprived of a fundamental human right. In such a situation we cannot be content with ourselves and tell the rest of the world that we are respecting all human rights, whereas the others don't. Our credibility is at stake, and we should both jointly and unilaterally do everything in our power to ensure that even the right to work is respected in our countries.

In stressing the importance of eco-

nomical and social rights I do not mean that we should give up our work for the protection of the basic civil and political human rights. We cannot accept that the need for economic and social development be used as an excuse for such practices as the use of torture, arbitrary arrest and political oppression.

What we must achieve, therefore, both in our own societies and in our relations with the rest of the world, is a synthesis deriving both from political and civil rights and from fundamental material needs — or, put more simply — bread and freedom.

Bread and Freedom.



Rights and freedoms guaranteed by the Convention and Protocols

Right to life (Article 2)

Prohibition of torture and inhuman or degrading treatment (Article 3)

Prohibition of slavery, forced or compulsory labour (Article 4)

Right to liberty and security (Article 5)

Right to a fair trial (Article 6)

Right to respect of private life, home and correspondence (Article 8)

Freedom of thought, conscience and religion (Article 9)

Freedom of expression (Article 10)

Freedom of assembly and association (Article 11)

Right to marry and to found a family (Article 12)

Prohibition of discrimination (Article 14)

Right to the enjoyment of possessions (Prot. No. 1, Article 1)

Right to education (Prot. No. 1, Article 2)

Right to free elections (Prot. No. 1, Article 3)

Prohibition of imprisonment for debts (Prot. No. 4, Article 1)

Freedom of movement (Prot. No. 4, Article 2)

Prohibition for the State to expel its nationals (Prot. No. 4, Article 3)

Prohibition of collective expulsion of aliens (Prot. No. 4, Article 4)



PIERRE-HENRI TEITGEN Judge at the European Court of Human Rights

The distinctive image of the Council of Europe

The European Convention on Human Rights fulfilled the most important of the tasks entrusted to the Council of Europe. Pierre-Henri Teitgen, the Convention's principal author, here examines the political role which the Convention has played and continues to play.

Article 1 of the Statute of the Council of Europe states that "the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage".

This basic provision was only a declaration of intent. It would never have been more than the expression of an aspiration, a nebulous utopia, if the Council of Europe had not immediately taken upon itself the important task of drawing up, and getting member states to ratify, the European Convention on Human Rights and its Protocols.

The authors of the Convention did not yield to the temptation of taking the easy way. They expressed in full in the language of positive law, the noble political philosophy summed up in the Preamble to the Statute of the Council of Europe.

Because the Preamble affirms that fundamental human rights are the "heritage" of the "peoples" of the Council of Europe, the Convention sets forth two fairly radical principles.

The fundamental rights of the individual that it protects are presented and defined in the Convention as taking precedence over the state.

The High Contracting Parties do not undertake to grant these rights to their citizens, but recognise them with the effect of direct, immediate law, so that their nationals can claim these rights under the Convention without the need for national legislation to confirm them.

The Convention also gives full expression to the idea in the Preamble that fundamental individual rights are the "common heritage" of the peoples of the Council of Europe.

Dismissing the pretext of non-interference, and going far beyond the traditional system of diplomatic protection, each signatory state is called upon to set the European enforcement machinery in motion not only in cases where the rights of its own nationals have been violated by another signatory state, but also against any signatory state that violates the Convention, whoever the victims may be. In other words, the signatory states of the Convention are engaged in a Europe-wide

exercise for the protection of their common heritage, over and above their own interests.

It is in this way, through the Convention and its machinery, that the Council of Europe's aim must be achieved.

Need for solidarity

Ranging from Norway to Italy, and from Iceland to Turkey, the member states of the Council of Europe are very varied. Their horizons and policies are not the same, and their aspirations and interests are different or even contradictory, depending on their geographical situation, history and economic development. It would have been impossible to unite these states for the purpose of defining and implementing common economic and international policies.

The driving idea capable of drawing them together in one accord could only ever have been, or be, the need for solidarity in organising the collective protection of human rights.

This is why the Statute of the Council of Europe imposes on its members only one general obligation, the obligation set out in Article 3: "Every member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms".

This is also why Article 4 stipulates that any European state able and willing to ensure observance of these rights and freedoms can be invited to become a member of the Council, while Article 8 provides that any member which has ceased to observe them may be expelled.

Some achievements of the Convention:

Austria has modified the criminal appeal procedure and adopted new rules governing its free legal aid.

Belgium has amended its penal code, its vagrancy legislation, and its legislation on the use of languages in schools.

The Federal Republic of Germany has adopted a law regulating detention pending trial.

The United Kingdom has introduced an appeal procedure for immigrants and adopted a law relating to prisoners' assistance.

The Dutch are revising their military discipline rules.

Sweden has taken measures to grant certain exemptions from religious education.

Norway has amended its Constitution to secure complete religious freedom.

Switzerland has amended its Constitution in order to give votes to women and greater freedom to the Jesuits.

In determining these rights and providing machinery for their protection, the European Convention on Human Rights defines the task of the Council of Europe in furtherance of its Statute, demonstrates the essential solidarity of its members, and gives the Council its distinctive image.

European custodian

It would, of course, be ridiculous to reduce all the achievements of the Council of Europe purely to the organisation of machinery for the European enforcement of human rights.

The discussions on major European policy problems that are held at regular intervals in the Parliamentary Assembly are undoubtedly of considerable interest. Many are the prejudices, over-

simplifications and caricatured views that have been dissipated in this European Assembly, giving way before the development of a European consciousness. In comparison with the violent confrontations that frequently mark the UN Assembly, the Council of Europe Assembly is far more concerned with achieving mutual understanding and agreement.

Despite this, viewed from the outside, the Council of Europe is still seen above all as the European custodian of human rights. It is upon its achievements in this field that the Council's image is based.

This has been proved by recent history. When the Colonels' Greece had to withdraw from the Council at the last minute in order to avoid expulsion, its departure humiliated and weakened the dictatorship.

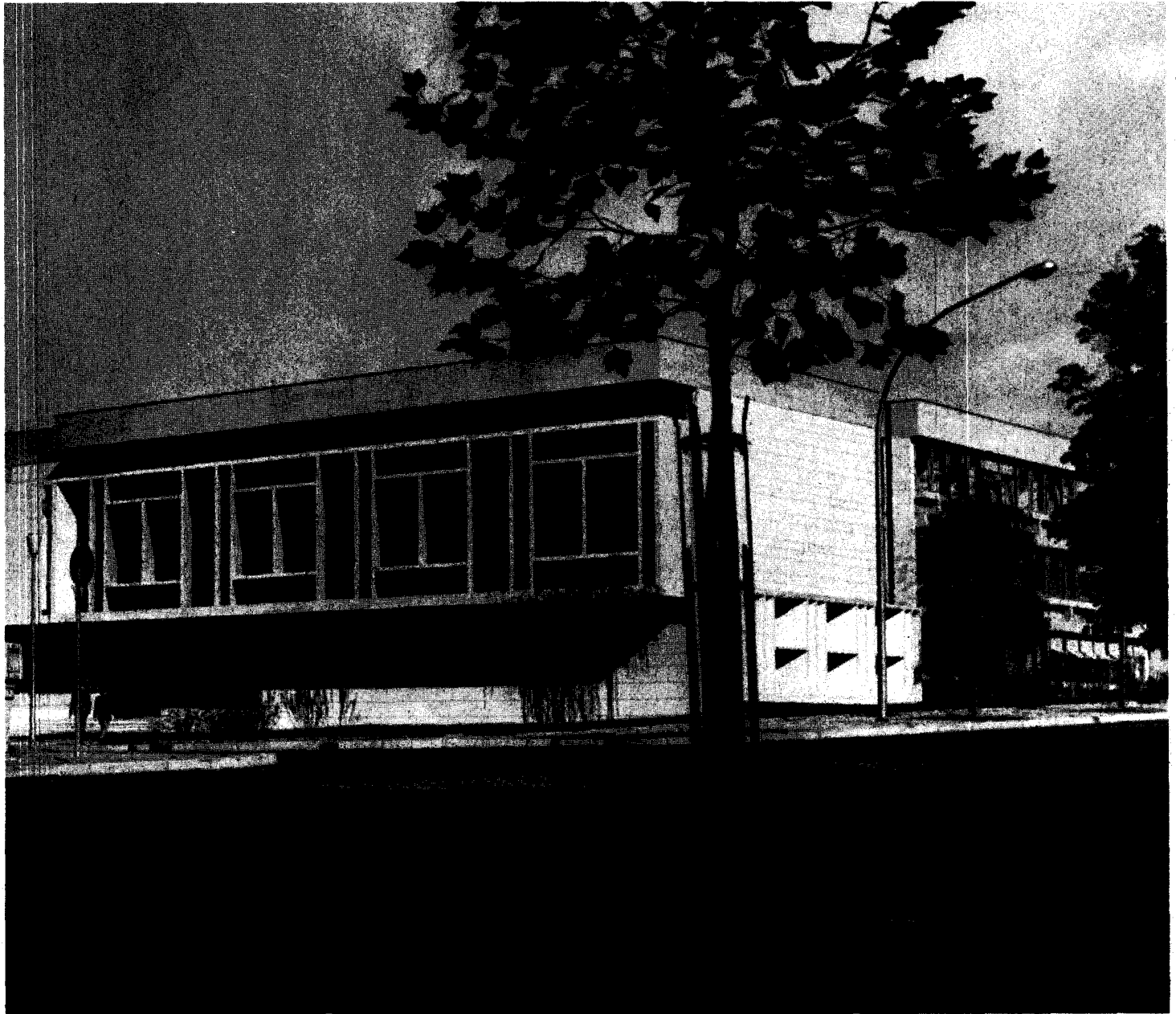
Conversely, Greece, Portugal and Spain alike, immediately after their liberation, announced their desire for admission or readmission to the Council.

What did they expect from membership?

Certainly no material benefits, but a kind of rehabilitation, a proof of re-found dignity among those states that observe human rights.

Thus it is that, in the eyes of public opinion, the Council of Europe — which has become by virtue of the Convention the European guardian of human rights — today embodies the "conscience of free Europe".

Strasbourg. The Human Rights Building: last recourse. Headquarters of the European Commission and Court of Human Rights.



The Convention on human rights: an evolving instrument

25 years after the entry into force of the Convention, lawyers and politicians alike are examining ways to improve its operation. Experience has revealed some of its shortcomings and suggests possible remedies.

These suggestions include: the right of an individual to take a case to the Court and even to appeal from a decision by the Commission; the possibility for the Court to give advisory opinions and, in order to speed up procedure, to make the membership of the Court and the Commission a full-time job. Some have also suggested that the Convention should be revised to incorporate new rights required by developments in society.

Normally in international law governments interpret their own obligations. When a state has undertaken to protect specific racial or religious minorities, then its government decides who belongs to the minority, what exactly is covered by the protection and when there exist exceptional circumstances setting aside the obligation to protect. If other states do not agree to such interpretation they may protest, and when their arguments are strong they may persuade the government to change the original interpretation of its obligations — but this is unlikely as long as protests are not accompanied by

economic or political pressure. Normally, the tradition of self-interpretation allows unscrupulous governments to interpret away many of their international obligations.

The most important aspect of the Commission and the Court of Human Rights is that they offer independent and expert means of further defining the obligations undertaken in the European Convention on Human Rights. The parties to the Convention have accepted that these organs, outside their authority, shall decide on the extent of their obligations. Again, they begin with their own interpretation, but whenever this is challenged it can be brought before European organs without too much difficulty and without the approval of the government concerned.

Statistics:

Total number of applications registered from 1953 to 1978: 8,113

Number of applications declared admissible: 174

Number of inter-State applications: 11

Number of individual applications filed during the last three years:

1975: 466

1976: 427

1977: 373

General European interest

However important they are for the protection of individual rights, the Commission and the Court were not created for the individual. They are not higher instances to which individuals can appeal when their own courts do not

protect the rights granted by the Convention. This could have been otherwise. One can imagine a Supreme European Court for Human Rights to which all human rights' issues could be brought in the final instance. But national sovereignty and national pride have prevented this. A court higher than the House of Lords or the Conseil d'Etat was not acceptable. Even in the European Communities, which are more supra-national than the Council of Europe, the judiciary has not obtained such high status. Their Court of Justice collaborates with national courts on an equal footing, having the final word on specific (Community) issues, yielding to the national courts on others.

For an individual whose fundamental rights have been violated the normal procedure still involves the national courts and ends at the highest of these. Thereafter, when national remedies have been exhausted, a different procedure begins before the European organs. Basically, these proceedings are held not on behalf of particular individuals but for the sake of a wider general European interest. One can say that the Convention is not really con-

cerned so much with the individual. In the light of the general interest of Europe it is not so important whether a particular person has been detained for too long or whether a boy has been whipped.

If such things happen it would perhaps be good to have a European judiciary overruling any national courts upholding such mischief, but that is not the most essential. What is far more important is to ensure that such mischief does not become established practice and that such practices be abolished wherever they have entered into the national legal system.

Two characteristics

This particular objective of the European Convention on Human Rights may be illustrated by two characteristics of Human Rights protection under the Convention.

a. Proceedings at European level are of a different nature than proceedings on behalf of a particular individual. The contestants are not an individual and his state but the general European interest and a mistaken government. There are no judicial proceedings before the Commission, which would be public, but a kind of "political" bargaining aiming at a friendly settlement. This may be a wise procedure. In a closed meeting it is easier for a government to promise to change its laws without having to admit that it behaves wrongly. A public judicial contest may force a government into defending provisions which it does not want to defend and, after having fervently defended a law or practice, governments can less easily change them.

Before the Court the individual is not even a party. The judicial contest is between the state concerned and the general European interest defended by the Commission. Again, it is the legal system which is at stake, not the interest of a particular individual.

b. When, for example, a Dutch citizen has been judged by a Dutch court in violation of the European Convention on Human Rights, he may complain to the European Commission of Human Rights, but even if he is successful and the European organs find that the Netherlands has violated the European Convention, the national judgment still stands. Revision is possible only on specific grounds and no attempt has ever been made to adduce a contrary decision by a European organ as an additional argument for revision. A decision by the European Court of Human

Rights being insufficient grounds for *requesting* revision of a final national court decision, it certainly offers no basis for an *obligation* for such revision.

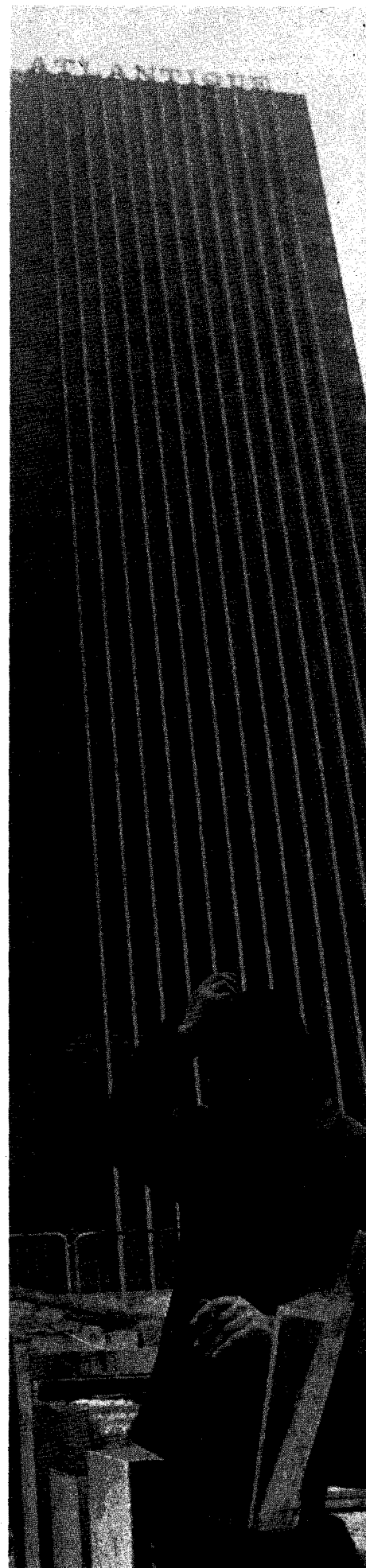
Of course, there is Article 53 of the Convention which obliges the states to abide by the decision of the Court, and there is Article 50 instructing the Court to afford just satisfaction if the internal law of the state does not allow full reparation, but neither of these provisions allows a national court decision to be overruled. Even though compensation can be made, the incorrect national judgment will stand.

This specific feature of the European Convention on Human Rights distinguishes it from other legal texts and prevents the experience of other similar judiciaries from being used. The very successful system of preliminary rulings developed in the law of the European Communities cannot, for example, be used by the European Court of Human Rights. It would then settle the issue without allowing a friendly settlement and thus cut out an essential part of the human rights proceedings, which would be contrary to the Convention.

Towards supra-nationality ?

Perhaps, in the long run, the role of the human rights organs will change. Now that the Commission and the Court of Human Rights have established a reputation for quality and independence and at the same time feelings of national pride and sovereignty are weakening, the Commission and the Court can gradually be accepted as supra-national instances, over the national judiciary, instead of intergovernmental institutions. The trend is in that direction. The Commission is evolving into a judiciary organ, rather than a "political" body searching for settlement; the Court is becoming more of a court for the individual. Though still not entitled to bring his own case, the individual whose rights have been violated has gradually obtained greater standing before the Court in the delegation of the Commission. Perhaps in three more decades we may have European instances accepting appeals against the decisions of national supreme courts.

Equal rights for all.



Commission and Court: today and tomorrow

The Commission and the Court must help the Convention to remain a living reality

The first duty of the Commission is to take the initial decision on the admissibility of all applications alleging violation of the Convention. The rules governing admissibility are strict and a very small proportion of applications passes through this initial filtering device. If the application is declared admissible, the Commission has two tasks: on the one hand, it must investigate the facts and consider whether there has been a violation of the Convention; on the other hand, it must place itself at the disposal of the parties (the applicant and the respondent Government) with a view to achieving a "friendly settlement" of the case compatible with the Convention. If such a friendly settlement is reached, the case is closed; but if, as more usually hap-

pens, it is not, then a fresh procedure will start, either before the European Court of Human Rights, or before the

No person may take advantage of the provisions of the Convention to perform acts aimed at destroying the rights and freedoms set forth in the Convention.

Lawless, Judgment of the Court (1961)

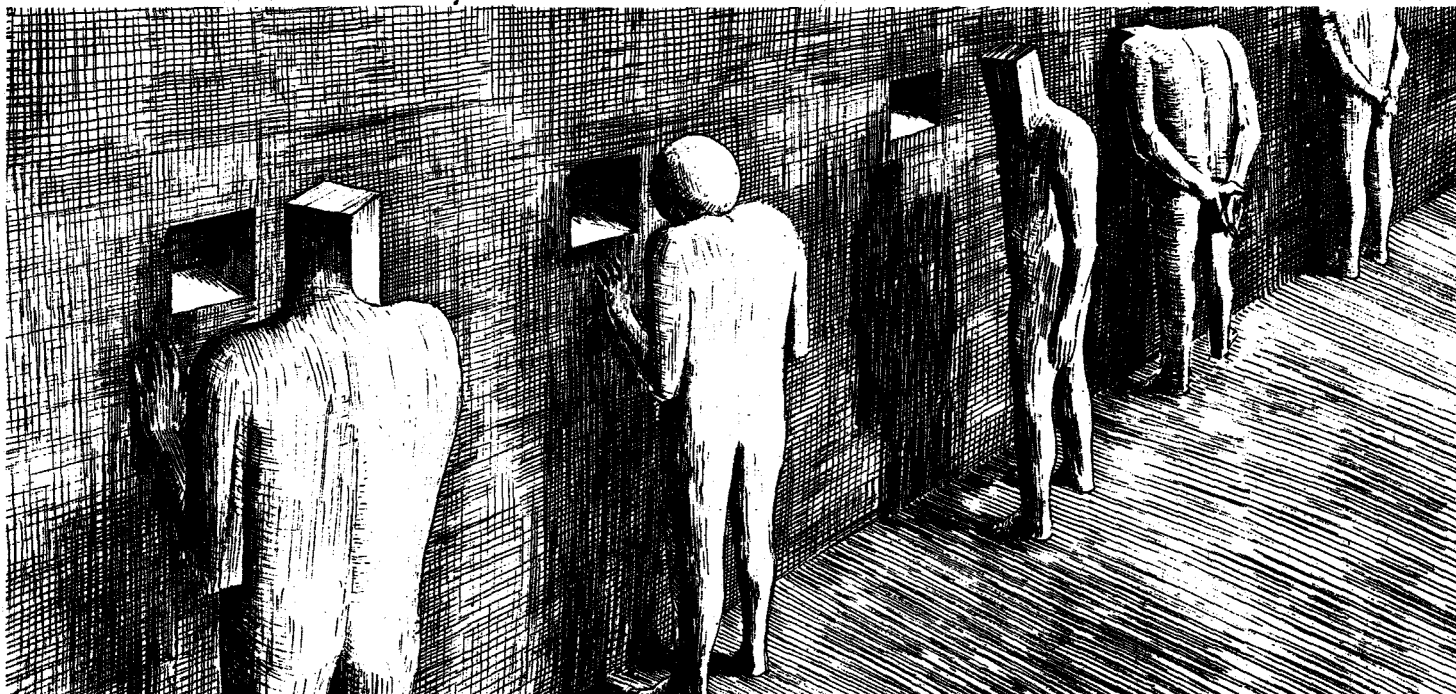
Committee of Ministers, on the basis of the Commission's full report.

So complex a procedure, and one requiring the co-operation of governments, is inevitably also a lengthy one. The procedure before the Commission is usually the lengthiest part. Indeed in the recent Mol case the Commission

finally terminated proceedings after no less than fifteen years. That case was quite exceptional, but periods of two or three years have not been uncommon, followed by further proceedings before the Court or the Committee of Ministers. Justice delayed is justice denied; and delay is particularly unfortunate in the operation of the Convention, which itself guarantees, by Article 6, the determination of civil rights and obligations, and of any criminal charge, "within a reasonable time".

However, the Commission has been able to act swiftly in an emergency (in cases of threatened expulsion, for example), and has recently introduced a number of reforms to streamline its procedure. Without radical surgery of the Convention bodies, which would

Drawing by Jacques Cadot for Amnesty International.



require formal amendments to the Convention — itself a lengthy and uncertain procedure — it is not easy to see what can be done. Possibly the Commission should attach most weight to its functions at the "filtering" stage and to achieving a friendly settlement. Possibly it could provisionally decide, as soon as a case is declared admissible, whether it would, if no settlement were reached, refer the case to the Court. It could then leave to the Court the elaboration of the legal issues, since its own opinion on those issues will in any event be overtaken by the Court's judgment. A case could then, at any rate if the facts were clear, be brought more quickly before the Court.

European Court of Appeal

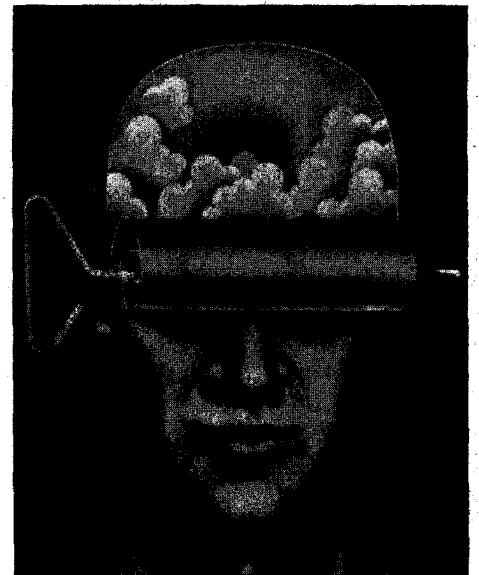
Proceedings before the Court itself have been relatively swift and the main need here seems to be to strengthen the position before the Court of the applicant: i.e. of the individual who initiated the proceedings before the Commission. At present he has no formal standing before the Court, where only the Commission and the state or states concerned, may appear, although in some cases the applicant's counsel has been permitted to assist the Commission before the Court.

The applicant's position might be improved in a number of ways. He might be allowed to take a position independent of the Commission, by sub-

mitting observations to the Court on his own behalf. He might be allowed to refer an admitted case to the Court where the Commission, or the state concerned, chooses not to do so. Or he might even be given the right to appeal to the Court against the Commission's decision on admissibility.

Another proposal which has been made in relation to the Court is that it should be given the power to rule, at the request of a national court, on the interpretation of a provision of the Convention which is in issue before the national court. Such a power in relation to the EEC Treaty is vested in the Court of Justice of the European Communities in Luxembourg. However to confer such a power on the Strasbourg Court, quite apart from the formidable practical difficulties which it would entail, may not be appropriate to the Strasbourg system. That system already provides a remedy, which the Luxembourg Court does not, if the national court fails to comply with its European obligations, since it serves in effect as a European court of appeal against national decisions, which the Luxembourg Court is not.

In any event, the Convention does not yet have the force of internal law in all the states which have ratified it so that it cannot always be directly applied by the national courts. The first essential, therefore, is that all state parties should embody the Convention in their internal law; the second is that their courts and officials should apply it in practice, and not overlook its provisions on the ground that they are



Freedom of thought.

worded in a very general way. Here they could indeed be guided by the case-law established by the Commission and Court in Strasbourg, which might perhaps be made more readily available and accessible to the national courts.

In the recent judgment on the Handyside case the European Court of Human Rights itself recognised that the Convention machinery is only a subsidiary method of protecting human rights. The primary responsibility lies with the authorities of the member states of the Council of Europe. If that responsibility is more effectively discharged it goes without saying that the Strasbourg machinery will run much more smoothly.

NORBERT PAUL ENGEL Journalist, Editor of "Europäische Grundrechte Zeitschrift"

Report on the Convention in national law

The Convention remains subsidiary to the national systems, even supposing that it has been incorporated into domestic law. What is the situation in practice?

The 25 years which have passed since the European Convention on Human Rights came into force have been almost enough to justify describing the first trans-national constitution in the world as a "dead letter".

One reason is to be found in the indifference towards Europe displayed by the national judges. For instance, we "Greater Europeans" in the *Federal*

Republic of Germany have not so far succeeded in incorporating the individual European basic rights into our national Constitution. The Federal Constitutional Court in Karlsruhe merely interprets the Basic Law. In so doing, the European Convention on Human Rights is not taken into consideration systematically.

Things are very different in Austria

and Switzerland. In *Austria* the European Convention on Human Rights has been officially declared a constituent part of the national Constitution. In this way national basic rights are linked in that country with European basic rights. Accordingly, the Austrian constitutional judges cannot remain indifferent to the general case-law of the Strasbourg human rights organs. Conversely, the

Viennese interpretations of the Human Rights Convention do much to stimulate the Strasbourg organs in their energetic efforts to develop human rights further.

The Swiss Federal Court, which has constitutional powers in relation to the Cantons, works actively to incorporate the European Convention on Human Rights into the national legal system of the Confederation. The Federal judges in Lausanne have recognised the extent to which the guarantees of the European Convention have the quality of constitutional provisions. Accordingly, when ruling on a specific application, the Swiss Federal judges not only consider whether the Swiss — i.e. the national — Constitution has been violated, but ask at the same time how the case should be judged in relation to the standards of the European Convention on Human Rights.

But if we look for the integration effects which could result from the application of the Human Rights Convention, very few are to be found in most member states. For instance, although the Convention is part of domestic law in the *Netherlands*, *Belgium* and *France*, where every citizen can invoke it before the national courts, this has done scarcely anything to enlarge the citizens' freedoms. Thus no integration effects are to be felt beyond the limits of national legal circles. Again, in *Sweden* the European Convention on Human Rights is not even a part of domestic law. In that country a citizen can only found his arguments on his national basic rights and, if he lodges a petition in Strasbourg, he is forced to use another legal code. On the other

hand, the British judicial world is more sympathetically disposed towards integration. Although even in *Great Britain* the Human Rights Convention is only accepted as binding under international law for the state as a whole, and is not incorporated into the domestic legal system, in recent years senior English judges have sometimes referred to the European Convention on Human Rights when explaining the reasons for their judgments.

The purpose of the High Contracting Parties in concluding the Convention was to establish a common public order of the free democracies of Europe with the object of safeguarding their common heritage of political traditions, ideals, freedom and the rule of law.

Austria v. Italy
Decision of the Commission on admissibility (1963)

Full-time judges

Since 1974 considerable hopes have also been placed in the Court of Justice of the *European Communities*. After the long delayed accession by France to the Human Rights Convention, the Luxembourg judges began to use this source of law in their judgments. Since the Court of the European Communities

had shown itself to be extremely powerful in the interpretation and implementation of the Common Market Treaties, it was hoped that the European Convention on Human Rights would acquire new importance in the hands of these judges. However, these hopes have so far not been fulfilled, because the Luxembourg judges prefer to base the protection of fundamental rights for Community citizens on what they call "general legal principles" and to remain more or less silent rather than to give a dynamic interpretation of the European Convention on Human Rights.

Many speeches will undoubtedly be made on the occasion of the 25th anniversary of the European Convention this year. The politicians still have at least two main tasks to perform: first, appointments to the European Court of Human Rights and the Strasbourg Commission should be made full-time, as is the case at the Court of Justice of the European Communities in Luxembourg. Such stabilisation of the human rights organs would reveal the extent to which the responsible politicians of the Contracting States are prepared to strengthen European basic rights in their citizens' interests. Second, the decisions of the Strasbourg organs should be released from the "ghetto" of English and French, the only two official languages in Strasbourg, and translated into those of the other Contracting States. The European Convention on Human Rights would then be a serviceable catalogue of basic rights not only for legal experts but also for the man-in-the-street.

Judges at a hearing before the European Court of Human Rights.



XAVIER MAGNÉE Barrister at the Brussels Bar



The experience of two applicants: the vagrancy case

Two applicants discuss their personal experience and give their opinions on the operation of the Convention. One of them was successful (Xavier Magnée), the other was not (Folke Schmidt). The so-called "vagrancy" case established a precedent in the case history of the European Convention on Human Rights. The complaint brought against the Belgian Government by three applicants who had been detained for vagrancy was that they had no possibility of appeal against their internment ordered by the magistrate under an 1891 Act. In its decision pronounced on 18 June 1971 the Court found that there had indeed been a breach of the Convention. The offending Act was amended shortly thereafter.

I was once very closely involved in the adventure of three successful applicants, protected in Strasbourg and unfortunate in life. Three vagrants had decided to submit an application against their government. First the Commission, then the Court examined their case with the utmost deliberation and in minute detail. The contested national regulation was nearly 100 years old. It belonged to another era and to another world, promulgated to protect farm land against errant loafers. The state defended itself well. Yet the "vagrants" were right and, although the finer shades of the arguments were probably beyond their simple understanding, at least they discovered that a poor man can "win at human rights".

This unostentatious case involved no risk and entailed no consequence: the token franc was considered excessive. But at least something had been done for learning, on a few fine points of procedure which would serve at a later date.

But when the barrister comes to exercise his profession in defence of somebody accused of a more topical and dramatic misdeed in these days of terrorism, kidnappings and vanishing anarchists, when he comes to plead for the rights of the very people who

contest them, when he comes to man the barricades of an almost overturned society, when the time comes for frightened governments to take up the defensive, who will then recognise the primacy of guarantees? Who will then apply this Convention born of the horror of dictatorship and brandished tomorrow by

The defendant's rights.

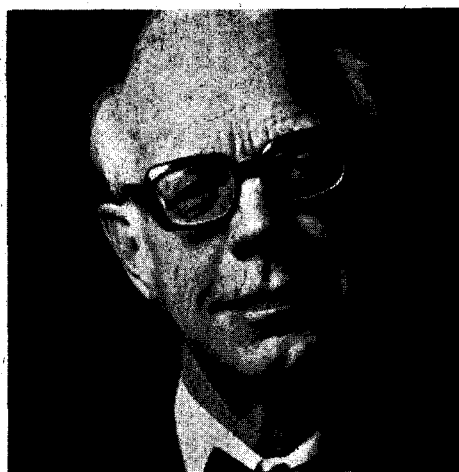


certain nihilists in the face of authority?

Strasbourg should maintain its calm, and the expression "manifestly ill-founded" should not become an instrument of disavowal. Neither the Court nor the Commission, both consisting (what an assurance!) of the highest judges and most eminent lawyers, should allow themselves to be tempted by a human rights policy based on discretion such as a public prosecutor might exercise in the case of prosecution. These considerations should apply even though states are in danger, even though civilisation must be protected, even though some applicants contest the established order, even though we are afraid. Even then. Especially then.

Yet when briefs are well prepared, when applications show evidence of informed anxiety, when the barrister offers to explain himself, when the "case" is not ridiculous or shocking, when a lawyer of good will and sufficient learning supports an application, then the dialogue would be more sincere and the decision more easily accepted. If the rejection were not handed down in a few lines from afar, on paper, without a word spoken, without appeal and with no discussion.

With no discussion.



FOLKE SCHMIDT Professor of Law at the University of Stockholm

Trade union freedom

The issue in the Schmidt and Dahlström case was trade union freedom.

Professor Schmidt and Captain Dahlström complained that the Swedish Government had violated Article 11 of the Convention guaranteeing trade union freedom. They also invoked Article 14 which prohibits discrimination. The Court, in its judgment of 6 February 1976, held that there had been no violation of the Convention. However, it considered that Article 11 of the Convention applied to the state as employer and not only as representative of the government.

When my case was pending, several people asked me whether I believed I was going to win. My answer was no, probably not, and for the following reasons. In my view, the Collective Bargaining Authority, which represents the Swedish State as employer, had committed a wrong in applying an early practice of private employers involving discrimination between union and non-union employees. The Authority had been aware of the effect but had had no intent to cause serious harm to me as a union member.

In the first place, however, compared to other complaints of human rights violations my case would seem a trifle. Secondly, a violation of the right of association involving an employer's action against members of a union which had called a strike had to be judged in relation to the general principles of the right of association. One had to consider that the laws of the Council of Europe member states, except for France and Italy, imposed several restrictions on the right to strike. The principal purpose of my complaint was to call attention to an improper policy which should not be applied again in the future.

The Commission found that the discriminatory treatment complained of

did not constitute a violation either of Article 11 (1) or of Article 14 in conjunction with Article 11 (1).

A private party is in an inferior position to that of his Government. He is not entitled to take a case to the Court of Human Rights, nor to plead as a party before the Court. I was therefore very impressed when I was informed that the Commission had decided to take the case to the Court "because of the novelty and significance of the legal issues involved". It was a comfort to know that the Commission did not stand jealous guard over its prestige but was

States having ratified the Convention:

All the member States of the Council of Europe except Portugal and Spain which signed it.

States recognising the right of individual application (Article 25):

Austria, Belgium, Denmark, Federal Republic of Germany, Iceland, Ireland, Italy, Luxembourg, Netherlands, Norway, Sweden, Switzerland, United Kingdom.

States recognising the compulsory jurisdiction of the Court (Article 46):

Austria, Belgium, Denmark, France, Federal Republic of Germany, Iceland, Ireland, Italy, Luxembourg, Netherlands, Norway, Sweden, Switzerland, United Kingdom.

prepared to expose its decision to criticism and debate.

The procedures of the Court are built on the assumption that the case will be presented by the representative of the Commission, who can sift the arguments at will. This is against the rules ordinarily applied since the Commission is in fact equivalent to a court and the appeal is made against its decision. However, my fears concerning the one-sidedness of the rules were not borne out. At the public hearings Mr. Fawcett, the principal delegate in his capacity as President of the Commission, did all he could to counteract this inequality. I was admitted as assistant to the Delegates of the Commission. After a short statement by Mr. Fawcett as to the issues upon which the Court was requested to rule, I was admitted to plead my case. I presented my arguments, commented on the statement of my Government's representative and answered questions put by members of the Court.

If I were asked for suggestions as to how to improve the procedure, one would be that even a private person should have locus standi before the Court once it had been decided that the Court would hear his case. For there is no guarantee that such understanding as was shown towards me will be demonstrated towards future applicants.



"Tear Gas Terror". Squatters fleeing a police charge at the Modderdam squatter camp in South Africa. This picture won Leslie Hammond of the Cape Town Argus an award for the best press photo of 1977.

MARTIN ENNALS Secretary General of Amnesty International

Amnesty International looks at the Convention

Amnesty International, winner of the Nobel Peace Prize 1977, would like a more active role in the Human Rights Convention machinery.

The first thing to be said about the European Convention is that it exists. The achievement of its existence is in itself remarkable and indeed exemplary. Its existence is used in discussions in other regions with governments and intergovernmental agencies. It is viewed with envy by internationalists in Africa and Latin America and in disbelief by their colleagues in Asia where no regional machinery exists which could house a similar agreement. Europe is to be congratulated.

The second point to be made is equally obvious. The Convention af-

Freedom of expression is applicable not only to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population.

**Handyside Case
Judgment of the Court (1976)**

fects only a part of Europe — the west. Human rights are more easily protected within areas of homogeneous political structures and cultural approaches. This is a strong argument for the evolutionary regional approach to international human rights law.

A third aspect which comes to the mind of any victim within the area of jurisdiction of the European Convention is the prolonged period required for the machinery to move from start to finish. The existence of the Convention provides some protection. The machinery is available but if and when it

concerns matters as urgent as torture or miscarriage of justice — the wheels grind so slowly that their results may protect the future victims but not correct the mistakes of the past, or relieve the sufferings of the present.

The Greek affair

The Convention is a curious mixture of law and politics. The conciliation machinery is built in and the right of complaint exists in respect of all States parties except Cyprus, France, Greece, Malta and Turkey. The process of commission discussion precedes rulings by a court. But there is no investigative machinery in the hands of the European Court or of the Commission or even in the Council of Europe which can facilitate immediate examination of cases adjudged within the jurisdiction and scope of the Convention. This fact-finding vacuum in the process of justice can only be filled by governments or victims — or by non-governmental organisations.

The role of non-governmental organisations in the protection of human rights has yet to be understood and recognised. Slowly the area is gaining ground that there are areas where NGOs can act where governments are restrained by other considerations. No human rights can be protected unless the facts can be proved. Torture and repression are rarely provable while they are being performed. And even afterwards — vide the Greek case — there has been little willingness on the part of the Europeans or the Greeks to re-open the dossiers to see whether the

evidence given was correct, an exaggeration or indeed underestimate of reality.

One aspect of the Greek case was that torture did not stop as a result of the hearings. On the other hand Greece did leave the Council of Europe. This dramatic turn of events led to a feeling of frustration, and created an atmosphere of political and human rights retreat. The thought of starting again immediately on considering the allegations of torture in another member state

The Commission is of the opinion that, according to the generally recognised principles of law, personal liberty is an inalienable right which a person cannot validly abandon.

"Vagrancy" Case Report of the Commission (1969)

caused alarm and despondency among civil servants and politicians alike. And justice should not be dependent on the fears and frustrations of civil servants and politicians.

Role of NGOs

The references to non-governmental organisations in the European Convention are strictly limited and concern only their right to bring a petition before the European Commission of Human Rights if the NGO claims to be the victim of a violation of the rights set forth in the Convention. In practice this does not stop NGOs such as Amnesty International preparing evidence and making it available through governments or to the public. Nor does it prevent NGOs from representing persons bringing cases under the Convention as Amnesty International and the British National Council for Civil Liberties are currently doing in the case of Pat Arrowsmith.

There are not many cases where international NGOs are likely to be the victims of violations, but a greater recognition by the Commission and the Court of the investigative function of NGOs would indeed be helpful in strengthening and possibly speeding procedures. Until such an effective capacity exists, whether or not it is related to the role of NGOs, the Convention will be hampered by its own inadequacies.

In addition, the Council of Europe's Secretariat should make greater use of the Secretary General's power under Article 57 of the Convention to request States parties to "furnish an explanation of the manner in which its internal law ensures the effective implementation of any of the provisions" of the

Convention. The Secretariat should be willing to make such requests whenever it receives allegations from NGOs casting doubt on a state's compliance with the Convention.

Conscientious objection and death penalty

The European Convention has rightly had considerable influence in shaping national laws. But at present there is no rapid way whereby proposed laws can be evaluated within the European machinery as to whether or not they are in violation of the provisions of the Convention or the spirit behind those provisions. Serious doubts have been expressed from some quarters regarding the International Convention on Terrorism and the effect it may have on the protection of persons accused of acts of terrorism. Similarly the laws recently passed in the Federal Republic of Germany contain provisions which seem to some of us to have risks for the right of defence to choose their own lawyers. It would be useful for the Court to be able at short notice to give advisory opinions which while not binding would have the effect of holding up panic legislation and clarifying controversial issues.

Finally let me mention two areas where I believe that human rights in Europe are still not protected — conscientious objection and the death penalty. Both of these topics have been on the work programme of the Council of Europe for years. Yet both have been postponed and delayed within the various committees where they have been referred. You cannot protect human rights without courage and the risk of unpopularity. This is why there is always a risk in leaving legal reform and protection to people who depend on votes for their survival. The abolition of the death penalty is not a popular cause, but it is undoubtedly one of human rights. Conscientious objectors to war and other national service are a minority which, equally in time of both peace and war, to some people seem irrelevant to the vital political and economic issues of the day. But human rights are about human beings; they exist to protect the rights of the unpopular as well as the popular.

The European Convention was born bravely out of memories of the 30s. It will only develop into the compulsory protection which we require if it is stimulated to grow, to be independent, to be self-confident in its adjudications, and expansionist in its frontiers. Existence of the machinery is not enough.

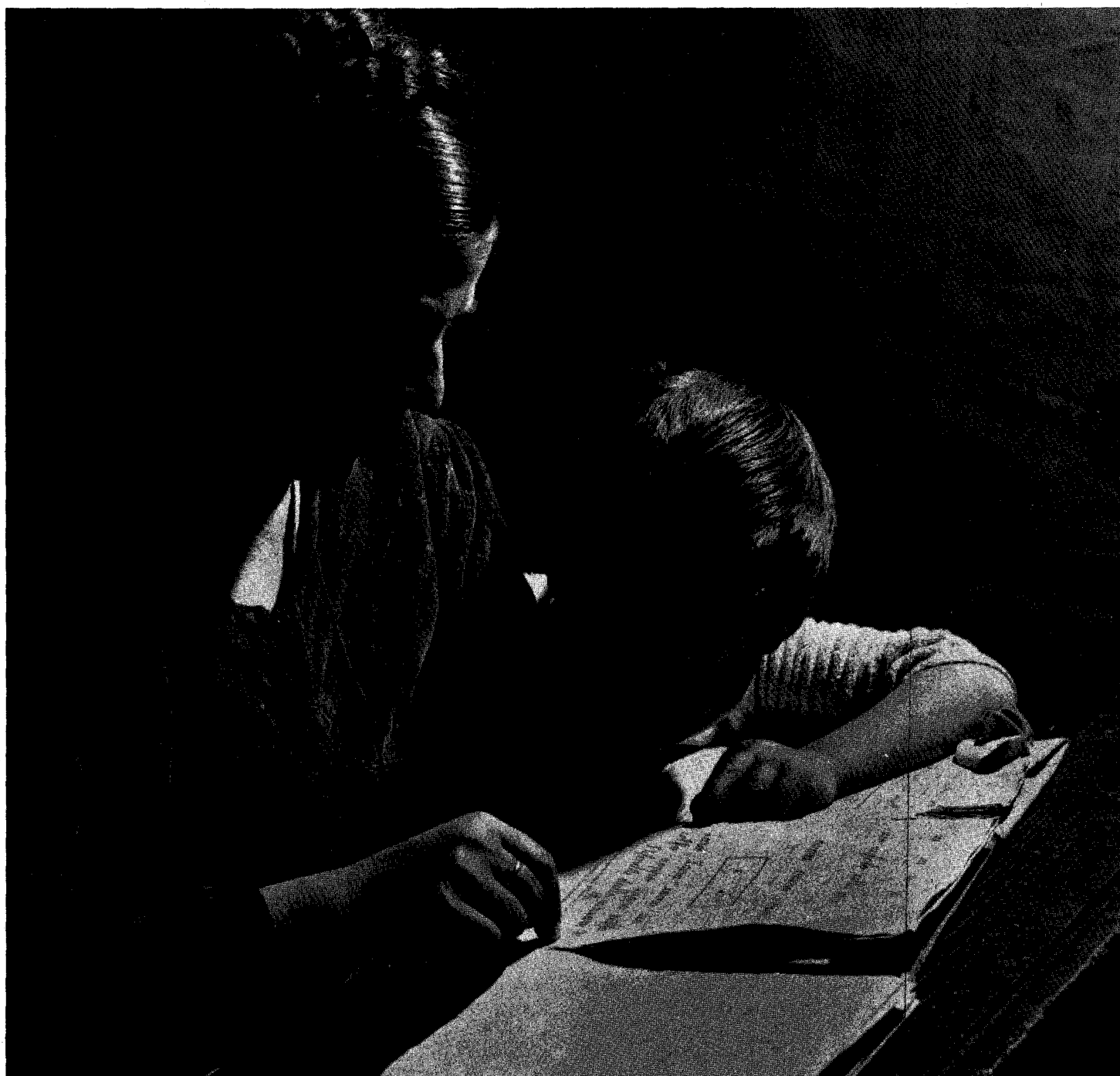
"Ta gueule" ("Shut up!"), drawing by Roland Topor for the Amnesty International Campaign: Prisoner of Conscience Year 1977.



ANDRÉ DRUBAY Secretary General of the International Federation of Secondary Teachers

Human Rights in society

To the child at school, the migrant worker, or the citizen trying to cope with the innumerable problems and pressures of daily existence, human rights may appear a fairly abstract concept. Yet there is nothing remote about human dignity. Nor is human rights protection static and unchanging, for it must respond to all sorts of new threats. Hence the need for informed vigilance, and for greater understanding of the forces at work in our ever-changing societies.



Teachers have a special responsibility here, and it is for their benefit that the Council of Europe has just decided to prepare a booklet on "How to teach about Human Rights in Secondary Schools". It will illustrate different practical approaches that can be taken in such subjects as history, civics, and philosophy and in interdisciplinary human science courses. The booklet should be ready by the beginning of the 1978/79 school year.

Is it not stating the obvious to say that fostering respect for human rights is primarily an educational task?

But stating the principle, and surrounding it with idealistic eloquence, cannot mask the fact that schools make little room for human rights instruction, in spite of official recommendations and the generous intentions of many teachers.

In fact, schools are not worlds of their own: they live in the midst of society's contradictions and suffer the consequences of them. To begin with, other influences than the school's — contrasting influences — are exerted on young people, those of the mass media in particular; concern to portray every human being as a person deserving respect is often alien to them. Even children's literature is full of racial stereotypes which leave a distinct mark on the child's mind.

But the most serious aspect is that children notice the discrepancy that exists between grand public declarations and the reality of the world which they are entering; they discover a multitude of different assaults on freedom, they see social and economic inequalities and unalleviated wretchedness in many countries. So they wonder, hearing famous people speak so nobly about human rights, whether the whole thing might not be just a gigantic hoax. Hence the scepticism of many pupils towards the teaching of this subject, and hence the teacher's difficulties.

Lively sketches

If schools and teachers are to overcome these difficulties and play their part in this field, the only approach that does not lead to a dead end is to start from present-day realities and pupil reactions to them. This was one of the main

conclusions of the international colloquy on education in human rights, held under the aegis of the Council of Europe in 1976 and attended by representatives from some thirty non-governmental organisations and twelve secondary school pupils from Geneva and Strasbourg. At primary and secondary levels there is no subject in which opportunities for contact with reality cannot arise and be put to advantage, although history, literature, geography and biology appear to offer the most likely areas.

The Court points out that the machinery of protection established by the Convention is subsidiary to the national systems safeguarding human rights.

Irish Case — Judgment of the Court (1978)

This active, stimulating approach to the issues through group research, surveys, analysis of actual situations, compilation of comparative material, and organisation of exhibitions by pupils and debates on literary works or films, can be incorporated into courses imparting factual data. Such data might include the historical development of the various struggles for rights and freedoms, the texts of declarations and conventions arising from those struggles, or again the origins of ethnic groups and the inanity of racial prejudice, and so on.

In primary schools in the United Kingdom, pupils choose historical episodes marking important stages in the conquest of human rights, and are then divided into groups who are asked to invent and act out a sketch dealing with each episode.

Guarantees to teachers

On the other hand, for the school environment itself not to encourage this sort of education would give rise to fresh contradictions. The school system must, needless to say, ensure equality of study opportunity for all, free from discrimination of any kind. But, above all, the social life of the school must be a focus of learning where the adults of the future may learn to exercise their rights and at the same time to recognise the rights of others and assume genuine responsibilities vis-à-vis the group: through experience of participation in the life of the school, through the opportunity to organise their own lives and take charge of activities within the school framework, they will see how transition is made from principles to practice. The projects that have been implemented throughout France (school co-operatives, socio-educative centres in secondary schools) show that the idea is not utopian.

Yet human rights education presupposes that the teachers themselves enjoy the rights and freedoms secured to other citizens and other workers. Their recruitment and the exercise of their profession should be shielded from political restrictions and pressures. Of course, they owe it to themselves not to serve as the mouthpieces of particular ideologies: their proper role is to teach their pupils to exercise their freedom of choice in a conscious way. It can happen, however, especially when they come to tackle human rights issues, that they are the victims of intolerance or prejudice on the part of people outside the school. It is essential that they be given guarantees to safeguard their independence, failing which they cannot turn their pupils into adults exercising their rights in a responsible way and respecting those of others.

PAUL SIEGHART A Governor of the British Institute of Human Rights

Computerised man

Many European societies - as well as those of the U.S.A. and Japan - are entering a "post-industrial" phase of advanced technologies and complex organisational structures whose implications for the individual and his rights may only be guessed at today. But some problems of this computer society are becoming increasingly acute and provide pointers to the future.

The first problem arises from the phenomenon of concentration of both danger and power which is an inevitable concomitant of advanced technology. Throughout our industrialised societies today, dangerous (and therefore vulnerable) substances and processes, on which our economies crucially depend, are becoming concentrated in a small number of nodes. These include fast-moving vehicles; chemical factories and their products, travelling in pipelines and tanker wagons; power stations; and explosives - above all plutonium, if and when that artificial substance ever comes into widespread use as a commercial fuel for power generation.

Not only does all this raise problems

of just compensation for those injured when something goes wrong (and, sooner or later, something always will go wrong, simply because human beings are essentially fallible). More dangerous, because less obvious, are the indirect

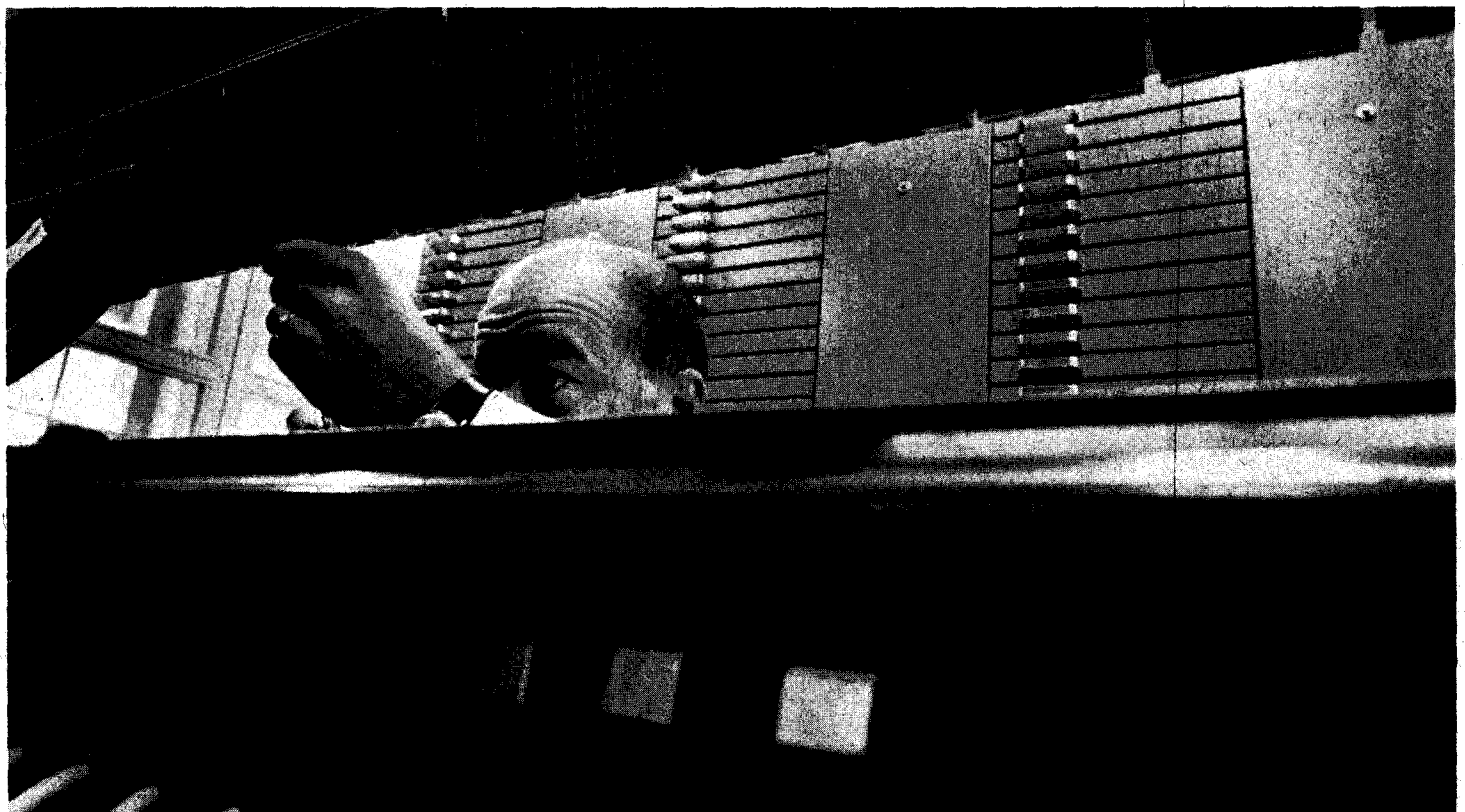
The Convention implies a just balance between the protection of the general interest of the community and the respect due to fundamental human rights while attaching particular importance to the latter.

Belgian Linguistic Cases Judgment of the Court (1968)

effects, such as the need for security countermeasures against malevolence at these vulnerable nodes of our society - especially in those open societies which are not willing to eliminate all malefactors simply by shooting them, torturing them, or locking them up on suspicion.

To take just one example, we are coming under great pressure from the nuclear power industry to plan for a "plutonium economy". The plutonium fuel cycle offers us the glittering prize of a 60-fold increase in the efficiency of power production from uranium - a mineral resource which, like all others, is in ultimately limited supply. But plutonium is a classical nuclear explo-

Facing new dangers.



sive as well as one of the more powerful producers of cancer. Were it ever to become a commercial fuel to supply our needs for primary energy, any responsible government would need to take – and would be required by its electorate to take – the most stringent security measures to ensure that none of this dangerous substance ever fell into the wrong hands.

But those very precautions could only too easily come to erode precisely the civil and political rights which are central to the European ideal of civilisation: to be effective, they might require wide powers of surveillance, search and seizure (in conflict with Article 8 (1) of the European Convention), restrictions on habeas corpus and the right of assembly (in conflict with Articles 5 and 11 (1)), and possibly even (in the kind of emergency precipitated by a credible threat of “nuclear blackmail” on the part of some terrorist group) techniques for interrogating suspects which it would be difficult to reconcile with the unqualified provisions of Article 3.

Data protection

The second problem is one of both concentration and diffusion. It flows from the imminent advent of the “information society”. More and more of our secondary industry, and all the growing tertiary sector, is “knowledge-based”. Much of that knowledge is technical and impersonal, but an increasing fraction

is in the form of “personal information” – data about identifiable individuals.

No enterprise of any size today, let

The Commission considers that respect for private life “comprises also, to a certain degree, the right to establish and to develop relationships with other human beings, especially in the emotional field for the development and fulfilment of one’s own personality.

**Brüggemann,
Decision of the Commission
on admissibility (1976)**

alone any public authority, can administer its affairs without a substantial data base of personal information, processed increasingly by computers – a technology which is currently advancing faster than any other, in increasing speed, sophistication and market penetration, and in decreasing cost. In Resolutions (73) 28 and (74) 29 of its Committee of Ministers, the Council of Europe has made an important contribution to the emerging subject of data protection law, and it has been in the forefront of the work for an international convention on this subject.

Yet information law is still largely vague and fragmented: copyright, patent, defamation, contract, confidentiality and privacy laws sometimes overlap, and more often leave gaps between their boundaries. There is a

growing need for rationalisation here, and even more for a swift and comprehensive development of the concept – named, but not defined, in Article 8 of the Convention – of privacy as a fundamental human right. In an information society, personal privacy may yet come to acquire the importance that personal liberty has in an agrarian or industrial one. And, as information becomes an increasingly valuable commodity, we may come to see a shift of economic and political power towards those who can control its flows.

Opaque technologies

Finally, it may not be long before we shall need to rethink our notions of distributive justice, for they were all developed during centuries when only more labour could produce more goods and services, and it therefore seemed right to distribute them in proportion to contribution – at all events once elementary needs were satisfied.

But technology and automation have already given us “structural unemployment” in some European and North American industries. As the labour content of goods and services shrinks, the human right to work could come to lose its true content, which is the right to be rewarded for one’s work by a fair share of what has been produced. It may not be too early to start thinking about alternative criteria for just distribution.

These problems – and doubtless others which we cannot yet foresee – all stem from rapid increases in the use of advanced technologies – “advanced” not only because they are essentially opaque. Anyone looking at a steam engine or a lathe can see what it does and how it does it, and so has a basis from which he can work out for himself how its use might affect him. That is not the case for a nuclear reactor or a computer – even if one were incautious enough to take the lid off and poke about inside. Only the expert today can understand and advise on the capabilities and limitations of such technologies, and yet only the lay citizen is ultimately competent to decide what price – especially in restrictions on his freedoms – he is willing to pay for the benefits that the technologies offer him.

The first need, therefore, may well be for the elaboration of new procedures for taking, in open democratic societies, decisions whose input depends critically on questions that only experts can answer, but whose output could affect everyone in their everyday life.

What price the benefits of technology ?



HERIBERT GOLSONG Director of Human Rights, Council of Europe

A world dimension

The human rights issue has never been closer to the forefront of international relations. Nor has it ever been far removed.

Yet although both the UN Declaration and the European Convention were conceived in the aftermath of a war fought to prevent the eradication of human rights and freedoms, there is still no universally accepted interpretation of the true meaning of human rights. Two conflicting views oppose the primacy of the rights of society and the primacy of the rights of the individual. Nowhere has this been more clearly shown than in the debates in Belgrade and in the United Nations.

Nowadays everybody is talking about human rights. But they do not always mean the same thing.

For the notion of human rights is intimately connected with the basic and perennial problem of organising the position of the individual within society. This is first and foremost a matter for each state. But as we have learned during this century, the maintenance of peace *between* states is in part determined by the degree of liberty which the human being enjoys *within* the state. There is, therefore, an international dimension to this problem.

Various attempts have been made over the last thirty years to give concrete expression to this international dimension, following the introduction of the general idea into international discussion with the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations in December 1948.

Since then many resolutions and recommendations have been adopted with this end in view, and some international treaties with legal obligations have been elaborated.

Yet there is no world-wide agreement as to the true meaning of the notion of human rights and fundamental freedoms. This seems obvious. For the fundamental question of the place of the individual human being in society is still in dispute. Indeed, there are an increasing number of signs on the horizon to indicate that this very question is becoming one of the most controversial issues in international politics.

Rights of nations or individuals ?

One school of thought active on the international scene, notably within the

United Nations, advocates giving priority (and later an "exclusive character"?) to the human rights of *peoples* and of *nations*. In such a structure, if implemented, there would be no question of fundamental rights peculiar to the individual; only society as such would, under international law, be the real holder of so-called "human rights".

Others believe, quite rightly, that this concept would plunge us back into the old pattern of international relations when the fundamental rights of the human being were the exclusive concern of the state, hidden behind the shield of the principle of non-intervention. And we know that such a concept would, in many instances, lead to the denial of individual human rights. It is therefore of paramount importance to maintain and develop the protection of *individual* human rights and fundamental freedoms through international machinery.

The European Convention on Human Rights is the most important expression of this approach. It even provides for international judicial control in the framework of which provision is made for the individual, whatever his nationality, to act against a Contracting Party, even if it is his own country.

But even in this conception the protection of fundamental rights and freedoms is a never-ending task. As society evolves, some rights, although changeless in essence, may alter in their significance. Moreover, additional rights may need to be recognised in order to give adequate protection to the individual in a changing world. Indeed the European Convention has already been supplemented by additional Protocols for the purpose of extending the list of rights to be protected.

Whatever criticisms we may have of one or other aspect of this Conven-

tion and its implementation, it is an indisputable fact that this instrument is the political expression and symbol of a concept which gives priority to the recognition and protection of the fundamental rights of the *individual* — the true essence of the idea of human rights.

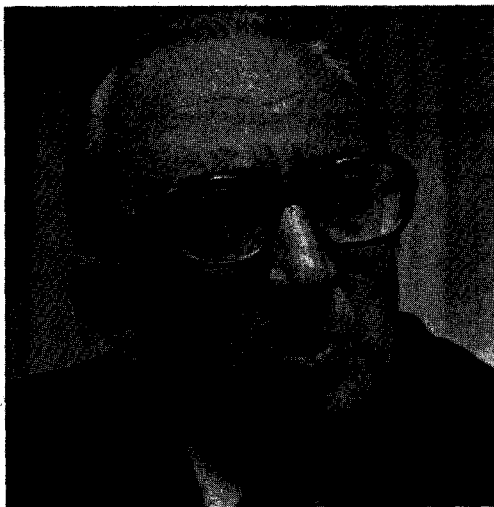
This symbol is of particular value in relation to the Final Act of Helsinki.

Pan-European value

The unsatisfactory ending of the Belgrade Conference is evidence enough of the division of opinion on the meaning of human rights. For reasons which are understandable, the Helsinki Act itself does not give an agreed definition of human rights. So far as the substance of human rights is concerned, reference is simply made to the willingness of the participating states to act, in the field of human rights and fundamental freedoms, in conformity with the aims and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights. Thus Helsinki has not settled the question of the true meaning of human rights.

It is therefore of paramount importance that of the thirty-five participating states at Helsinki, at least twenty — namely the members of the Council of Europe — have shown and are continuing to demonstrate, by the signing of the European Convention on Human Rights, what kind of human rights they had in mind when accepting the terms of the Helsinki Act: not the rights of abstract legal entities, the states, but the concrete, basic rights of individuals.

This important fact highlights the pan-European value of the European Convention on Human Rights.



HENRI SIMONET Minister for Foreign Affairs of Belgium

Rights violated, peace threatened

"It is illusory to believe that human rights violations do not concern the whole of the states of the world"

When the Congress of Europe was held in The Hague in May 1948, shortly after the end of the second world war, to lay the foundations for a new approach to relations between the European states, emphasis was placed on the protection of human rights. The essential purpose of these discussions, which still leave their imprint almost thirty years later, was to ascertain what basic lessons could be learned from the struggles that had torn Europe apart. Fascism, racism and totalitarianism had triumphed in Europe primarily because freedom and respect for human dignity had been trampled underfoot.

The news reaching us from all over the world shows all too clearly that violence and authoritarianism are still with us and that we must keep constantly on the alert. It should be an incentive for us to do everything in our power to ensure that the cornerstone of international relations today — human rights — is safeguarded.

In recent months I have had occasion to address the United Nations General Assembly and the United Nations Conference against Apartheid held in Lagos last August, pointing out that it was illusory to believe that human rights violations did not concern the whole of the states of the world. The increasingly close ties between all countries make it essential for us, in the name of international solidarity, to respect human rights ourselves and to see that others do likewise.

Each state has its own special responsibilities, particularly when international commitments have been made in this area. Any violation is in effect a breach of justice — which is indeed virtually synonymous with human rights.

Once justice breaks down, peace is directly threatened and uncertainty and strife loom ahead, the ultimate stake being the future of mankind.

Insoluble dilemma

Europe has blazed the trail. The Convention for the Protection of Human Rights and Fundamental Freedoms may be regarded with justification as the Council of Europe's most outstanding achievement. In my opinion, it is also the most convincing and successful diplomatic instrument on the subject that exists anywhere in the world.

Now that it is generally acknowledged in the European countries — which was not yet the case fifty years ago — that everyone is entitled to exercise his civil and political rights to the full, we must consider how the individual is to be protected from the increasing pressures to which present-day society exposes him. We must fit him to resist the inequalities inherent in the structures of this society and to derive full benefit from available opportunities. The Council of Europe has embarked on a study of this problem with a view to extending the European Convention. This initiative is highly opportune in view of the increasing complexity of modern life.

In my view, however, it is essential not to become submerged in detail and lose sight of what is truly important. The individual must be able to exercise all rights of direct import to his existence. These rights are absolute and must be safeguarded at all cost. What is the use of having a right to work unless the right to life is also respected? An obvious rejoinder is, of course: what is the right to life worth if

there is no right to work? The dilemma is virtually insoluble but we should in any event always bear in mind that protection of human rights is especially relevant when it is a question of the individual's relationship with authority.

Rights and obligations

Authority is particularly well placed to encroach on a person's freedom, and sometimes even life. It is therefore vital that the individual should be protected against any abuses of authority that may be directed against his person. Moreover he must be able to fulfil himself in the particular society in which he lives. Those rights that are the natural counterpart of the obligations actively incumbent on authority must consequently be defined. These rights will depend, however, on the level of progress achieved by this society and on a set of factors over which the individual state does not necessarily have complete control. International solidarity alone can establish all over the world the prerequisites for each person to be true to himself. The efforts currently being made to introduce a new international economic order are a step in this direction. Our task must be to harmonise these two lines of thought and ascribe absolute and recognised rights their proper status.

The United Nations is currently tackling this problem. Would I be over-optimistic in thinking that the Council of Europe's member states might make a united contribution by giving practical expression to the definition of human rights provided by Thomas Jefferson in 1776 in the American Declaration of Independence: life, liberty and the pursuit of happiness?

KENNETH HUDSON UNESCO Consultant

A prize for originality: Ironbridge, Museum of the Year

The European Museum of the Year Award was presented in February 1978 to the Ironbridge Museum in Britain. This prize rewards imagination and talent shown by museum-keepers in the use and management of the resources under their care. It is meant to stimulate fresh approaches to enlivening museums and making them more attractive to the public.

The idea started in Britain, where there has been a Museum of the Year Award since 1972, organised by a voluntary body, National Heritage, which might best be described as a consumers' group for museum-goers. It was set up to represent the interests of people visiting and using museums and to encourage co-operation between museums and the public. Overheads are very low and the administration is simple. Each year, in October and November, museums which have either opened for the first time during the previous twelve months or which have completed some important new facility within the same period, send in details about themselves — photographs, press-cuttings, brochures, budget. About thirty entries are usually received.

In December, these applications are examined and discussed by a small jury chaired by the distinguished architect and President of the Royal Society, Sir Hugh Casson. A short-list of between six and nine museums is drawn up at this meeting and during January, February and March each of these is visited by at least two members of the jury. The Museum of the Year is then chosen on the basis of the jury's reports and the announcement is made at a prestigious luncheon in June, at which guests can see an exhibition covering the work of the short-listed museums.

New and stimulating ideas

The title carries with it a substantial cash prize and a trophy by Henry Moore, and, according to the funds available, there are usually one or two subsidiary prizes as well. Each of the short-listed museums receives a ceramic plaque, to inform visitors that it has been considered of particular merit. The scheme is financed com-

pletely from private sources; no government funding is available or sought, so that the judges are in a position to be entirely independent and objective.

The title, Museum of the Year, is a coveted one, but the prize itself is not the most important aspect of the scheme. The aim of the organisers has always been to use the competition to publicise new and stimulating ideas in the museum field. Considerable attention is always paid to the way in which candidates have used the resources at their disposal, to entrepreneurial spirit and to a sense of social responsibility. Technical and professional excellence is not an adequate recommendation in itself and the large museum has no particular advantage over the small one.

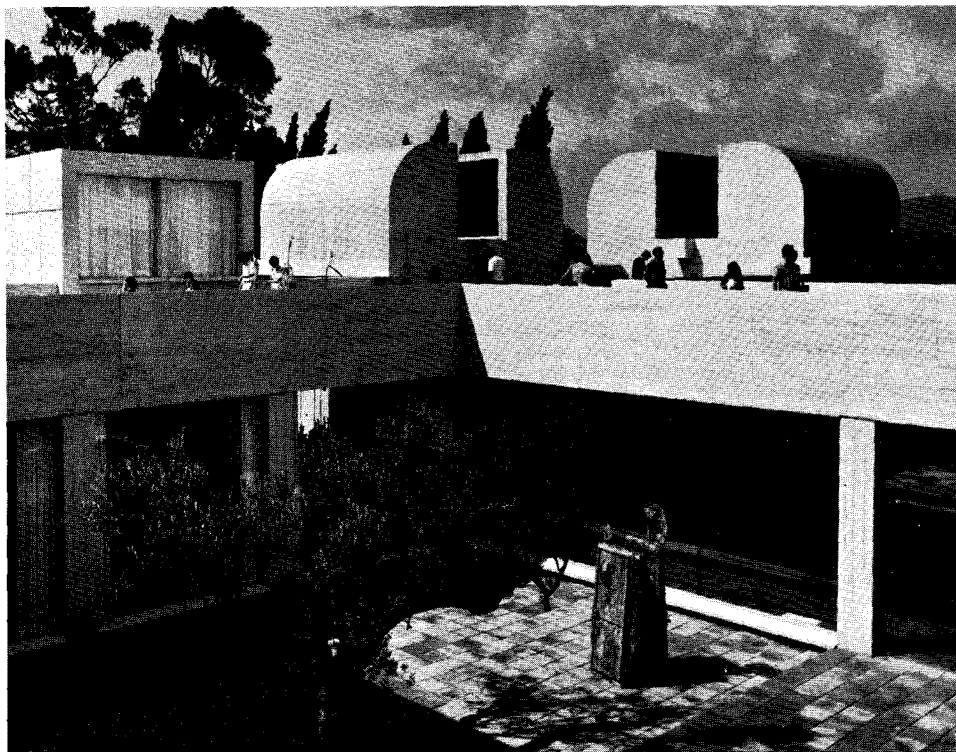
In 1977, with the encouragement of the European Cultural Foundation, the International Council of Museums, the European Communities and the Council of Europe, National Heritage decided to try to launch a roughly similar scheme for Western Europe. An international committee was formed and I myself, as one of the members of this planning committee-cum-jury, travelled extensively during February and March 1977 to explain to national museum associations what was proposed and to invite applications. The entries came in; a short-list of nine museums was drawn up; the museums were visited by public-spirited enthusiasts who somehow managed to steal the necessary time from their normal work; the winner — the Ironbridge Gorge Museum Trust in Britain — was unanimously selected; and on 14 February 1978, at a splendid ceremony at the Palais des Rohans in Strasbourg, the President of the European Community Commission, Mr Roy Jenkins, made the presentations: to Ironbridge as the overall winner and to

the Joan Miró Foundation in Barcelona for its outstanding contribution to European culture. The somewhat dazed organisers understandably felt that a miracle had been accomplished and began to think of the future.

Better balance in Europe

Three important lessons have been learnt from a year's experiments and mistakes. The first is that the official museums network is not sufficient to provide all the information required about potential candidates. Many of the liveliest museums are set up and run by private trusts and private individuals, who are not always approved by official museum bodies or even in touch with them. The second lesson is that, in the museum field as in others, some countries are much more enterprising and progressive than others. To say that the European Museum of the Year Award, properly handled, has an important educational task to perform is neither immodest nor an overstatement. And the third truth, now very well understood by the organisers, is that if the job is to be satisfactorily carried out, a sum equivalent to £20,000 a year has to be made available, at 1978 prices.

The money will somehow be found and the scheme will continue. The Committee now has something tangible to show for its efforts, something to discuss and improve on. What it is particularly anxious to achieve this year is a better spread and balance of entries over Western Europe as a whole. In particular, it wants to see Italy, Greece, Portugal, Sweden and the Republic of Ireland represented, as well as those small countries, such as Monaco, Liechtenstein and Luxembourg, which are



Joan Miró Foundation in Barcelona.

fortunate in having both money and ideas. Making contact with the most rewarding people is a pleasant activity but it inevitably takes time and for this reason we shall be exceedingly grateful for any suggestions or introductions which are likely to lead to museums or people that might otherwise have been overlooked.

A special Council of Europe Museum Prize has been instituted this year on the initiative of the Parliamentary Assembly. The Council of Europe also patronises the European Museum of the Year Award.

Applications for the Museum Prize should be sent to the Committee on Culture and Education, Council of Europe; those for the European Museum of the Year Award to Mr. Kenneth Hudson, 118 Lansdown Crescent, BATH BA 15 EC, United Kingdom.

Table 1: List of Criteria

1. Policy and aims
2. Imaginative and skilful use of natural or site advantages
3. Overcoming difficulties, perseverance

4. Use of investment, management of resources
5. Social and political awareness, publicity
6. Ingenuity, originality and effectiveness of display and interpretation
7. Attitude of staff to visitors and to the museum
8. Publications
9. Planned educational work in connection with the museum
10. Housekeeping, general appearance

Table 2: Short-listed museums

- FN Museum of Industrial Archaeology Herstal Belgium
- National Technical Museum Helsinki Finland
- Terra Amata Museum Nice France
- Municipal Museum Schwäbisch Gmünd Federal Republic of Germany
- The Ironbridge Gorge Museum Trust (winner) Telford United Kingdom
- The Amsterdam Historical Museum Amsterdam Netherlands
- Preus Photo Museum Horten Norway
- Joan Miró Foundation, Centre for the Study of Contemporary Art Barcelona Spain
- "Man and Time": The International Museum of Watch and Clockmaking La Chaux-de-Fonds Switzerland

ZEKAI BALOGLU Chairman of the Council for Cultural Co-operation

CCC: six new projects for education and culture

The 22 members of the Council for Cultural Co-operation (the member countries of the Council of Europe plus Finland and the Holy See) have decided to update their activities and to bring them more closely into line with the present-day needs of Europeans. This is why the new Steering Committee, endowed with new structures, has initiated a programme of six major projects.

Over a period of years the Council of Europe has gained renown as the initiator of the concepts of permanent education and cultural development, designed to break down the barrier between élitist and mass cultures in

favour of a high-quality, diversified form of culture available to all. In pursuance of that policy a number of practical projects have been set on foot to allow as many Europeans as possible to enjoy the benefits of the co-operation deve-

loped between experts and governments.

The first of these projects, called "Preparation for life", involves a study of measures calculated to promote the self-realisation of young people in the

14-19 age-group and to help them play a responsible and active role in their social and occupational life. "Preparation for social life" - a theme wholly in line with the Council's aims - will receive special attention.

The CCC has planned a three-part project to cover tertiary education. This will consist, firstly, in a selection and appraisal of the most interesting developments in this sector with a view to stimulating desirable reforms throughout Europe; secondly, in a study of reforms specific to southern Europe (Spain, Greece, Italy, Portugal and Turkey); and thirdly, in the encouragement of training modules in new multi-disciplinary sectors, designed to increase student and teacher mobility and intensify co-operation between European universities in "new" subjects such as remote-sensing, physico-chemical and mathematical techniques in archaeology, protection against radiation, and environmental studies.

The third project concerns adult education, i.e. education for those who have ceased to attend a traditional educational establishment regularly but who, whether out of desire or out of necessity, wish to continue their education or take refresher training. While underlining the special nature of this education, the Council of Europe intends to integrate it into the "permanent education" system, put forward practical recommendations for a policy for the organisation of adult education and, at the same time, encourage exchanges and co-operation between the participating countries.

While the diversity of languages spoken in Europe must undoubtedly be numbered among its greatest riches, that same diversity may also constitute a barrier to understanding, co-operation and mobility. For that reason it is essential to improve and intensify modern-language teaching at all levels, which is the purpose of the fourth project.

A unit-credit system

In practical terms, the aim is to devise a European unit-credit system designed to suit individual needs and abilities. The first stage consisted in establishing "threshold-levels" representing the minimum knowledge necessary mainly for oral comprehension and expression in ordinary everyday situations.

The last two projects concern the development of cultural life in Europe

and the formulation of both general policies, based on past experience and current research, and regional and local policies, based on pilot projects in certain towns and cultural innovations. Any new findings likely to contribute to improving the cultural role of the mass media will be duly analysed and disseminated.

Publications and Conferences

These six projects will be implemented in close collaboration with interest-groups in the 22 states and conferences will be arranged at appropriate times for the purpose of assembling the latest information in each specific field. Series of publications will be issued to keep the public and specialists informed of progress and of the results obtained. It is intended that the projects should lead, in most cases, to practical recommendations for the guidance of national government departments.

The adoption of this new plan for the reactivation of the Council of Europe's educational and cultural sectors will not entail any reduction in the "services" so greatly appreciated by the public. Nor will it mean an end to the research fellowships scheme or the teacher-training bursaries scheme, the co-production of educational material, educational documentation, the series of European art exhibitions, or the cultural identity card, all of which will continue as in the past.

As for the development of modern-language teaching in Turkey, an activity which I regard as particularly important and valuable, the last programme will take place in 1978. Thanks to the Council of Europe's collaboration, 10 years of technical assistance provided by France, the Federal Republic of Germany and the United Kingdom have promoted the initial and refresher training of Turkish teachers, acquainted them with new teaching methods, and initiated them in the production of modern teaching material.

A 7th project for migrants?

Similarly, the Council's primary concern, namely the well-being of the individual and particularly of the underprivileged, will be reflected not only in the six major projects but also in a number of subsidiary activities. For instance, the CCC is contemplating proposing, with the representatives of

other sectors of the organisation, an activity which could well become the seventh CCC specific project, namely the education and cultural development of migrant workers and their children, a problem whose solution calls for co-operation on a pan-European scale. Moreover, a proposal has been made by Sweden for a conference of ministers with special responsibility for migrants.

The Council of Europe's resources, in terms of both staff and funds, are very scant, and for that reason its educational and cultural programme has had to be severely curtailed. Nevertheless, I believe that this new programme answers Europe's deepest and most realistic aspirations in this period of grave economic difficulties. Undaunted and ever-mindful of the welfare of its citizens, it continues to intensify educational and cultural co-operation among the 22 member states.



Mr Zekai Baloglu, recently elected Chairman of the CCC, intends to fulfil a personal commitment to the education of migrants during his term of office. As a former Cultural Attaché in the Turkish embassies in Austria, Switzerland and Italy, he has acquired considerable experience of bilateral relations in this field, which he now plans to put to good use in promoting multilateral co-operation. Mr Baloglu, who was Turkish Minister of Youth and Sport in 1975, is the doyen of cultural co-operation in Europe, since he took part in the preparatory work which led to the creation of the CCC in January 1962.

Can a money-dominated press be free?

The Council of Europe is examining ways of ensuring freedom of expression, the foundation-stone of democratic countries. Is this freedom threatened in the member states? Do monopolies, mergers and state subsidies restrict variety of opinion? The report by the Danish Liberal M.P., Mr Arne Christiansen, before the Parliamentary Assembly again highlights this question at European level, while one expert on the subject, Claude Durieux, journalist with "Le Monde", here studies the situation in one member country: France.

The individual citizen's right to freedom of expression, won in France almost two centuries ago, has never been called into question. But we all know that formal freedom is merely an illusion without the practical means of exercising it.

After the last war, political leaders — learning their lesson from events — felt that freedom of expression, one of the pillars of the democratic system, ought to be surrounded by firm safeguards; the press should be given a clearly defined status so as to shield it from the pressures of political power and money. Orders having the force of law were issued in 1944, laying down certain elementary principles of control, such as annual publication of a newspaper's accounts and a list of its directors, and a rule forbidding anybody to manage several newspapers at once. But with very few exceptions the "press barons" ignored these rules, which fell into disuse, while the authorities left the legislation on the status of the press in draft form.

Market forces

Once the euphoric period of the "liberation" was over, the French press, subject to the rules of the market economy like any other commodity, saw its range of publications and opinions shrink rapidly. Paris was soon reduced to about fifteen "national" dailies (as against 60 in 1900 and 31 in 1939), while in the provinces, with very rare exceptions, a few regional dailies settled down comfortably into a monopoly situation.

This phenomenon of press concentration curtailing the number of different publications was all the more dangerous as freedom of expression was already threatened by a state radio and television broadcasting monopoly which the government controlled in singular fashion. And as that same broadcasting monopoly grew, it helped to ruin the newspapers by taking away their readership and their advertising revenue.

Lastly, inefficiency in a great many press concerns gave scope for all kinds of mismanagement, for instance in the matter of production costs which, in the Parisian press, were to grow out of all proportion to the service provided. Powerfully united inside a monolithic organisation, the Syndicat des Ouvriers du Livre, or Printers' Union, relieved the press bosses of the seasonal labour fluctuations inherent in the production of newspapers, and in return obtained wage levels and working conditions which put its members in the forefront of social progress. The excessive cost of newspaper distribution (30 to 55 % of the selling price) also contributed substantially to the financial tribulations of the press. In 1974, the astronomic rise in the price of newsprint was to deal the knock-out blow to a press industry that was already very groggy.

Introduction of advertising

One hundred years ago, Emile de Girardin — in a praiseworthy effort to bring news within the reach of all — introduced advertising into newspapers so as to produce revenue which enabled

the selling price to be cut by half. In the course of time, this commercial strategem has become so absolute a necessity that in extreme cases it poses a threat to the independence of the press.

Everyone is familiar with the famous slogan that appears under the title of *Le Canard Enchaîné*: "Press freedom wears out only when it is not used". But the precarious economics of producing a daily paper are such that in a great many cases the proprietor's main concern is not so much to provide his readers with a comprehensive news service but to put together a "product" that will sell.

Aid diverted

The authorities have not remained indifferent to this nearly thirty-year-old problem: every year the government gives assistance to the press, both directly and indirectly. This assistance takes various forms: preferential postal rates (reduced postage on printed matter, reduced telegram charges etc.), lower rates of VAT, tax exemption for up to 80 % of the profits made by dailies in the form of investment allowances, subsidies to offset the rising cost of newsprint etc. Direct aid to the press in 1978 will amount to 299,808,000 Francs, and indirect aid to 245,000,000 Francs (in terms of loss of revenue to the state).

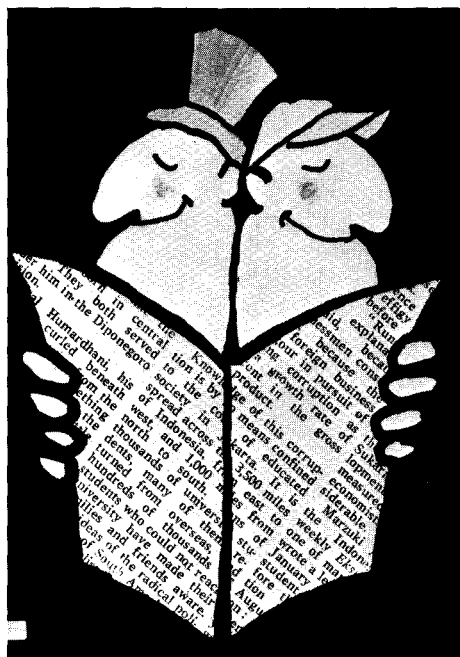
In order to qualify for assistance of this kind, publications must be "such as to serve the general interest in the dissemination of ideas through instruction, education, information and recreation of the public". This — subjective —

notion has always been interpreted very broadly (too broadly, some people think), with the result that the vast majority of publications qualify for aid (about 10,000 publications out of a total of just under 15,000). Moreover, in its democratic concern not to interfere, the government has never felt justified in exercising the least control over the use to which newspapers put the benefits accorded to them: publications which one member of parliament has described as nothing but "advertising catalogues" buy their paper supplies at a subsidised price; the advantages afforded by Section 39bis of the General Tax Code may be "diverted" from their true purpose in various ways, as reported by Mr Fosset in a statement to the Senate (one concern installed a superb marble staircase to camouflage its profits; another purchased studio and penthouse flats for its staff).

Worse still: while everyone agrees that pluralism of the press is the best safeguard of democracy and that the monopoly enjoyed by most of the major regional dailies is worrying for this reason, the fact is that certain publishing groups are exacerbating the "concentration" phenomenon by buying up newspapers which they can take over because the state allows tax exemption on their profits.

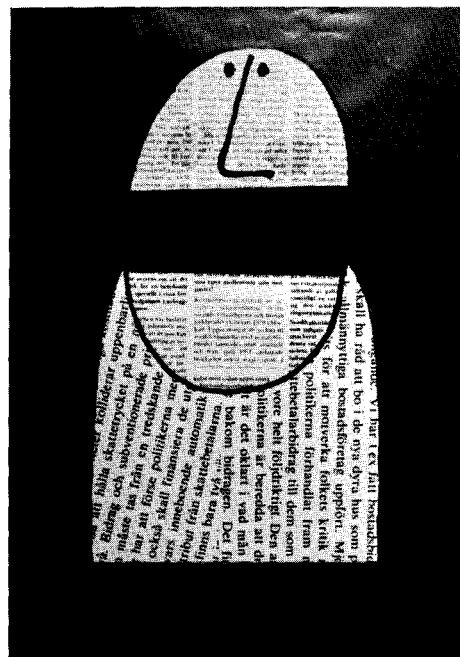
More benefits for the rich

Finally, some of the rules governing this aid which newspapers receive from the community at large even have the effect, where publication frequency and not content is the criterion, of favouring



the wealthiest among them to the detriment of the poorest (generally the "quality papers"). The Serisé Report commissioned in 1972 by the Chaban-Delmas government put its finger squarely on the anomalies in the system, but tacit complicity between certain economic interests and the politicians in power will ensure that it is never taken down from the shelf to which it has been consigned.

While freedom of expression is not gagged in France, the practical reality is that it is confined to newspaper proprietors and those behind them who hold or control the purse-strings. And it seems that this state of affairs will continue as long as news is regarded as just another "commodity".



Modern newspaper production techniques (photo-composition, offset), which promise to be cheaper, ought to be a big factor in encouraging the launching of new publications and thus, in the medium term, in strengthening freedom of expression for the largest possible number of people.

At the same time, newspaper editors must meet the more demanding expectations of those new categories of readers who do not recognise themselves in the mirror which the present-day press holds up to them. The right to communication, which goes beyond the right to information and freedom of expression, is likely to be one of the major conquests of the later 20th century.

JEAN-PIERRE RIBAUT, Head of division, Council of Europe

Alert: a convention for nature protection

Our fauna, flora and landscapes are daily suffering new attacks. Determined to stop them or at least to minimize their impact, the Council of Europe is now drawing up a new Convention to ensure better protection for natural species and habitats.

Nearly 200 bird species and subspecies have been exterminated by mankind since 1600, and some 400 are at present on the way to becoming extinct. As to the mammal species, approximately 280 are threatened with extinction at the present time.

These facts, which are of concern to the whole world, speak for themselves. Europe is no exception, and that

explains why the European Committee for the Conservation of Nature and Natural Resources of the Council of Europe has been taking an active interest in this problem. For the past 10 years, it has been making a systematic study of animal and plant groups threatened with extinction on our continent, and has recommended some measures which the governments might take to

protect them effectively. Unfortunately, measures of this kind are bound to be more and more complex, since the main source of danger is not hunting, as in the past; in our time the deterioration, or worse still the destruction, of natural habitats is the cause of the decline of numerous species.

Hunting and, of course, poaching do still pose a threat to several animal spe-

cies such as the bear, the lynx, the wolf and the bearded vulture. Also, whatever the species, wholesale slaughter is still far too common a practice, especially in the Mediterranean region. Even so, attitudes are changing everywhere, and there are grounds for hoping that the ill-effects of hunting, both legal and illegal, will continue to diminish.

Territory eaten up by concrete

The protection of natural habitats, on the other hand, raises problems of increasing difficulty. Our civilisation is devouring territory on an increasing scale: it requires new roads, motorways, sites for new industries and second homes for everyone; and this process of expansion continues at the expense of the natural environment, *our* natural environment.

To make agriculture more productive and profitable, marshes and other wetlands are drained, hedges uprooted, embankments levelled, ditches filled in, thickets destroyed. What refuge is left for wild plants and animals? How can they survive?

The experts of the European Committee have drawn up a list of species *threatened with extinction* in Europe at the present time, including: 58 bird species, 36 mammal species, 36 species and 10 sub-species of reptiles, 13 amphibian species.

The situation is little better for plant life. Out of 2,069 endemic plants and flowers, only 694 are not, for the time being, threatened with extinction.

However, the experts did not simply list the threatened species and leave it at that. For each animal and plant group, the Committee has presented the authorities responsible for the protection of fauna and flora with a number of measures which it recommends, firstly for halting the disappearance of those species and secondly for helping to reconstitute larger populations. These measures are set out in resolutions of the Committee of Ministers.

Nature indivisible

These piecemeal measures, however essential, are not sufficient in themselves. One cannot divide nature into component parts: for example, if wild life is to be effectively protected, there must be proper harmonisation of national legislation on hunting and at the same time adequate measures to safeguard the natural environments visited in the nesting period as well as during migration. Hence the proposal that originated

at the second European Ministerial Conference on the Environment (Brussels, March 1976) that a European *Convention on the conservation of wild life and natural habitats* be devised. A number of international legal instruments already exist for the protection of wild fauna or flora; but each covers only one aspect of the problem:

- the Paris Convention (1950) concerns the protection of birds;
- the Convention on wetlands of international importance (Ramsar) gives impetus to the protection of marshes etc;
- the Convention on international trade in endangered species of wild flora and fauna (Washington, 1973) also has a limited objective.



Poisoned fauna

The current project represents a real endeavour to adopt a universal approach to the protection of the European natural heritage as a whole. In addition to a number of fundamental principles of co-operation which the contracting parties would agree to observe, the draft provides for the listing of plants and animals for which the same parties would agree to provide total protection. These lists would obviously be revised from time to time.

It is an ambitious scheme, certainly, and it will often be necessary to compromise because the text that is being produced must not only ensure better protection for the endangered natural species and habitats; its terms must also be such as to allow as many European states as possible to sign and ratify the Convention!

Nature lovers will probably be disappointed. They should realise that the scheme is a first step, and an important one at that.

MAN AND WILDLIFE

Debit side

- 1627: death of the last aurochs
- 1844: disappearance of the Bourbon hoopoe
- disappearance of the great auk
- 19th century: 70 million American bison massacred
- 1880: 60,000 elephants exterminated in Africa
- 1914: death of the last Carolina parakeet
- 1953: 750,000 antelope skins exported from the French African territories
- 1968-1970: 47 million frogs and toads exported from Italy
- 1976: in 6 months, Switzerland imports 69,167 kg of green frogs from south-east Europe
- 1977: 135 snipe shot in Lombardy by a single sportsman in two hours

Credit side

- 242 BC: the Indian Emperor Asota accords his protection to fish, land animals and forests
- 1548: creation of the Kaerpf reserve (canton of Glaris, Switzerland)
- 1872: creation of the first national park (Yellowstone, United States)
- 1895: creation of the National Trust which manages numerous reserves
- 1922: creation of the Gran Paradiso national park (Italy); measures taken to protect the ibex
- 1921: creation of the Ujung Kulon reserve in Java to save the Javanese rhinoceros, the most threatened animal in the world (30-40 specimens in all in 1966)
- 1970: the Council of Europe launches European Nature Conservation Year
- 1972: Stockholm Conference

Human Rights

Parliamentary Assembly

● *Human rights in the world. (doc. 4101).* The Assembly has adopted Recommendation 829 (1978), on human rights in the world, which asks the Committee of Ministers to insist that every signatory state to the European Convention on Human Rights should recognise the right of individual application to the Commission and the jurisdiction of the Court, and also to continue its efforts to revise and improve certain clauses of the Social Charter, especially the machinery for supervising the Charter's application. Report of the Political Affairs Committee.

● *The situation of political prisoners in Chile (doc. 4115).*

In Recommendation 830 (1978) the Assembly asks the Committee of Ministers to:

1. invite the governments of those member states which have granted visas to Chilean political prisoners to press the Chilean authorities to allow such prisoners to have their sentences commuted into exile and to leave the country;
2. urge all member states to continue to facilitate — pursuant to Assembly Resolution 608 (1976) — the admission and resettlement of Chilean political prisoners and refugees on their territory;
3. take the above-mentioned action in respect also of Argentinian and Uruguayan citizens in similar circumstances in view of the seriousness of the situation throughout the southern part of South America. Report of the Committee on Population and Refugees.

Publications

● *Human Rights in International Law. Basic texts.*

This booklet contains the texts of the fundamental instruments for the international and regional protection of

human rights. It also contains extracts from the Vienna Convention on the Law of Treaties.

● *Volume XX of the Yearbook of the European Convention on Human Rights.*

This volume relates to the year 1977 and will be published in June. The first part sets out basic texts (ratifications, signatures, etc.) and gives information on the proceedings of the Steering Committee for Human Rights.

Part 2 deals with the work of the European Commission and Court of Human Rights and the proceedings of the Committee of Ministers in this field.

The third and last part is concerned with the European Convention on Human Rights in member states (debates in national parliaments and decisions of national courts referring to the Convention).

The Yearbook is published in two languages. It can be bought from the publishing house of Martinus Nijhoff at The Hague, Netherlands.

● *Activities of the Council of Europe in the field of human rights in 1977.*

This provides information specifically for the United Nations Commission on Human Rights about the Council of Europe's intergovernmental and parliamentary activities and the work of the European Commission and Court of Human Rights.

● *Bibliography relating to the European Convention on Human Rights* (revision early 1978);

● *Annual Review of the European Commission of Human Rights;*

● *Stock-taking on the European Convention on Human Rights.*

This publication summarises cases that have come before the European Commission of Human Rights, which revises it periodically. Cases are arranged according to their outcome or subject-matter (trade unions, education etc). The work concludes with statistical tables.

● *Decisions and Reports of the Commission, volume 7*

Publication in two languages, English and French, edited by the Council of Europe.

● The 25th anniversary of the Convention's entry into force is to be marked by a booklet called *What is the Council of Europe doing to protect Human Rights?*

● The Directorate of Human Rights is to bring out a series of dossiers, the first of which will provide a general introduction to the European Convention. The second will explain how to submit an application.

Meetings and conferences

● *European Commission of Human Rights. 1–12 May: 133rd session; 3–14 July: 134th Session*

● *European Court of Human Rights.* On 17 January 1978 the Court held a public hearing in the *Tyrer v United Kingdom* case, after which the Court deliberated; it will pronounce judgment at a later date.

On 10 and 11 March there was a public hearing in the case of *Klass and others v the Federal Republic of Germany. In the case of Ireland v the United Kingdom* the Court gave judgment on 18 January. It held that, in respect of two of the several allegations made, Article 3 of the European Convention on Human Rights had been violated; there had occurred, as regards certain persons held in custody in Northern Ireland in 1971, a practice of inhuman treatment and, as regards other such persons, a practice of inhuman and degrading treatment.

On the other hand, the Court found that various further allegations of breaches of the Convention were not established. It held, in particular, that it was not established that derogations from Article 5 entailed by the application of certain special legislation exceeded the extent

strictly required by the exigencies of the situation or that there had been discrimination contrary to Articles 14 and 5 taken together. (See the Court's judgment for further details).

● *Athens Colloquy*, 21–22 September 1978. The 25th anniversary of the coming into force of the European Convention on Human Rights will be marked by a colloquy to be held in Athens on 21 and 22 September 1978.

It will be held at the Historical Museum (the old Parliament building) and will be attended by some 200 jurists (university professors, judges, etc.).

The subject of the colloquy will be "the European Convention on Human Rights in relation to other international instruments for the protection of human rights".

Economic and Social Affairs

Committee of Ministers

The Committee of Ministers has adopted Resolution (78) 4 on the social and economic repercussions on migrant workers of economic recessions or crises. In this resolution, the Committee of Ministers endeavours to tackle the problem of unemployment and its consequences for migrant workers. It recommends a series of general measures to be taken by governments with regard to their policies on migratory movements; measures to be adopted in cases of redundancy designed to place migrant workers on an equal footing with nationals; and measures to be considered by the countries of origin with regard to returning migrant workers in respect of vocational training and retraining, re-employment, housing, schooling for children, and other matters. The Committee of Ministers has also adopted Resolution AP (78) 1 on the period of validity and expiry date for the use of pharmaceutical products. The governments of the eleven signatory states to the Partial Agreement: Austria, Belgium, Denmark, France, Federal Republic of Germany, Ireland, Italy, Luxembourg, Switzerland and the United Kingdom are asked to prescribe an expiry date for the use of pharmaceutical products and to check that such products are not supplied after that date.

Parliamentary Assembly

● *21st progress report of the Special Representative of the Council of Europe for national refugees and over-population*. (doc. 4083)

The Assembly adopted Recommendation 827 (1978) inviting governments to:

- convene an ad hoc meeting of ministers responsible for migration questions as proposed by the Swedish Minister for Foreign Affairs;
- prepare further legal instruments for the protection of seasonal and frontier workers, as a complement to the

European Convention on the Legal Status of Migrant workers;

- urge the three Council of Europe countries which are not yet members of the Resettlement Fund to join it (see also report of the Committee on Population and Refugees).

● *Development of the activities of the Council of Europe relating to pharmaceutical products, foodstuffs and cosmetics* (doc. 4093).

By Recommendation 828 (1978) the Assembly asks the Committee of Ministers to set up a European forum for pharmaceutical products, foodstuffs and cosmetics (Report of the Committee on Social and Health Questions).

Publications

Meetings and Conferences

Conference of Social Security Institutions, 24 to 26 May, Strasbourg.

Please see "The social security maze", p. 7

Education and cultural and scientific affairs

Publications

● A new quarterly. A new bulletin called *Cultural Policy* has just been launched by the Council of Europe's Division for Cultural Development. Its main purpose is to inform national, regional and local decision-makers about international activities, and new trends and innovative experiments in cultural policies. Each issue will contain information on new legislation and meetings, a *Technical dossier* on a specific topic, and a bibliography.

● *Adult Education Newsletter: "New Trends"*

This newsletter was first issued in 1977 as part of the project *Development of Adult Education* and in connection with the *European network of interaction projects in Adult Education*. The aim of this network is to establish an exchange of persons and ideas – by means of visits, seminars and working parties – between pilot projects proposed by governments in the light of their concrete problems.

These exchanges bring together decision-makers, teachers and experts. Thus the Newsletter is sent automatically to all those involved in the running of the network or interested in the activity. The Newsletter gives succinct information on events, publications, and pilot projects proposed by governments. It will be published quarterly.

New education bulletin

The Council of Europe will publish a new quarterly information bulletin on pre-school and school education, beginning in May. The bulletin is intended for officials in Ministries of Education, inspectors, teacher trainers, teachers' and

parents' associations, and libraries. It will contain information on the results of conferences and meetings of experts, as well as reviews of new studies and reports.

Newsletter – Faits nouveaux is produced by the Documentation Centre for Education in Europe and appears five times a year. Four issues, appearing quarterly, contain information on educational developments (legislation, policy statements, committee reports, etc.) in the member states of the Council for Cultural Cooperation. The fifth issue reproduces at length major policy documents which have appeared in the course of the year. Articles in *Newsletter – Faits nouveaux* are either in English or in French according to the linguistic area to which the country reported on belongs.

Newsletter – Faits nouveaux is designed to meet the needs of specialists in comparative education. First published in 1970, it is at present produced in 2900 copies.

● *Pre-school corner*. From 1975 to 1977, the CCC carried out a large scale project on pre-school education which concentrated on improving the liaison between pre-school and primary establishments and on improving the relations between the home, the pre-school and the local community. It also paid particular attention to the needs of specific groups such as migrants, the handicapped and rural children.

A major publication, based on the findings of the three years' work, is now being written by Mr Martin Woodhead, lecturer in Education at the Open University (United Kingdom) and will be published in several member states early in 1979. The background material for the book includes case studies, analyses of visits to pilot projects and reports of four international conferences organised by the CCC. Mr Woodhead will discuss both policy and practice in Western Europe.

This publication is aimed at a wide public, made up not only of policy-makers, administrators and inspectors, but of all those concerned with the services offered to young children and their families.

An annotated bibliography of all documents published during the pre-school project bears the reference CCC/EGT (77) 39 and may be obtained from the Division for General and Technical Education, Council of Europe.

Meetings and conferences

● *From socio-cultural practice to an animation policy*. Council of Europe Symposium, Lyon, 19–22 September. Three topics for discussion will be suggested to those responsible for cultural policy: cultural innovation and government; possibilities for the reform of cultural institutions; and an appraisal of cultural activities with a view to improving their programming.

Youth

Publications

● *Annual report of the European Youth Centre.*

This report is drawn up by the Governing Board of the Centre for the Committee of Ministers, and presents the educational and statutory activities during the past year.

● *1978 Programme of the European Youth Centre.*

Lists the study sessions and language courses scheduled for the year.

● *General report on the two colloquies on Young people and employment in Europe.*

This report provides a summary of the two colloquies organised jointly by the European Youth Centre and the Council for Cultural Co-operation, held on 27 and 28 November 1975 and from 19 to 21 September 1977 respectively.

● *List of intensive language courses for youth leaders in 1978.*

Meetings and conferences

● *Creativity* will be the theme of a study session involving the *World Association of Girl Guides and Girl Scouts*, 15 to 21 May.

● *Civil and social rights* will be the theme of a study session involving the *European Federation of Liberal and Radical Youth*, 26 May to 4 June.

● *Young workers in production and the interdependence of young workers at the world level* will be the theme of a study session involving the *International Young Christian Workers*, 23 June to 2 July.

Environment and local authorities

Parliamentary Assembly

● *Protection of wildlife and seal hunting (doc. 4095).*

By Recommendation 825 (1978) the Assembly calls on the Committee of Ministers to ask governments to ban the hunting of harp seals for a period of at least 2 years. Report of the Committee on Regional Planning and Local Authorities.

● *Recent developments in trunk communications and regional planning in Europe (doc. 4096).*

By Resolution 668 (1978) the Assembly instructs its Committee on Regional Planning and Local Authorities to follow developments in the Transalpine and Balkan links and to focus attention on the prospects opened up for regional planning in Europe by the forthcoming inauguration of the major North Sea – Rhine – Danube – Black Sea waterway, and the commencement of work on the Rhine – Rhône – Mediterranean link. Report of the Committee on Regional Planning and Local Authorities.

The Assembly has also addressed to the Committee of Ministers Recommendation 826 (1978) in which it lays particular emphasis on the need to strengthen Strasbourg's European role by improving its communications, and also draws attention to the importance of certain infrastructures needed for the establishment of a coherent European network, e. g. by the construction of a Channel tunnel and a whole series of waterway and surface links with the countries of Scandinavia, the Balkans and the Middle East. It also stresses the importance of strengthening the European position of frontier regions.

● *Conference of Local and Regional Authorities of Europe*

Regional representatives from the twenty member countries attended a Convention on regionalisation problems in Bordeaux from 30 January to 1 February 1978 at the invitation of the Conference of Local and Regional Authorities of Europe and the Council of Europe Parliamentary Assembly. (See report on this meeting, p. 4.) The Conference of Local and Regional Authorities of Europe will hold its 13th session in Strasbourg from 20 to 22 June.

Publications

● *Twenty years' work for local and regional authorities.*

This brochure describes the background, functioning and activities of the Conference of Local and Regional Authorities of Europe and the work of the Council of Europe in various fields in connection with Conference initiatives.

A map of the regions and intermediate administrative units in the Council of Europe member countries was published simultaneously.

● *Migrant workers and local and regional authorities.*

This booklet deals with the situation of migrant workers from the point of view of employment, permanent education, information, social security, housing conditions and civil and political rights.

● *Information Bulletin on Transfrontier Co-operation – twice yearly.*

This bulletin deals with the activities of transfrontier co-operation bodies.

● *Information Bulletin on Municipal and Regional Matters – quarterly.*

● *European cities faced with change – a future for their past:*

Report on Symposium No. 4 held in Berlin in April 1976 on the integrated conservation of 19th century districts.

● *Rural architecture in regional planning:* Report on Symposium No. 5 held in Granada from 26 to 29 October 1977.

● *Historic town centres in the development of present-day towns:*

This booklet is a follow-up to the 2nd European Symposium of Historic Towns (Strasbourg, 30 September to 2 October 1976), and deals with the following topics:

- problems of traffic and transport
- town planning problems in the services sector
- financial aspects and problems related to property speculation
- social aspects of the renovation of historic centres.

● *List of rare, threatened and endemic plants in Europe.*

This is a list of some 1,400 rare and / or threatened species, of which more than 100 are in danger of disappearing.

● *Pesticides* (4th edition)

Advice and recommendations for national and other authorities and for manufacturers concerned with approval of both agricultural and non-agricultural pesticides.

● *Naturopa No. 30*

Special issue devoted exclusively to the role and responsibilities of local and regional authorities with regard to the natural environment and to frontier co-operation in this field.

Meetings and conferences

● *Conference of European Ministers responsible for Local Authorities*, Stockholm, 7–8 September 1978. Please see "Decentralise for better rule", p. 4

● *Conference of Alpine Regions*, Lugano, 18–20 September 1978.

This Conference is being organised jointly by the Parliamentary Assembly and the Conference of Local and Regional Authorities of Europe. Its purpose is to bring together representatives of the Alpine regions to review the problems of the Alpine area in the context of European co-operation.

Legal Affairs

For legal affairs, see also the Bulletin on Legal Activities prepared by the Directorate of Legal Affairs of the Council of Europe and published at two-monthly intervals.

Committee of Ministers

- Penal clauses in civil law (Resolution (78) 3).

The Committee of Ministers has adopted a series of principles, which the member states are recommended to follow, concerning penal clauses in contracts whereby the promisor is required to pay a sum of money if he fails to perform the principal obligation.

Meetings and conferences

- *Conference of European Ministers of Justice*, Copenhagen, 21–22 June.

The 11th Conference of European Ministers of Justice, to be held in Copen-

hagen, will bring together the Ministers of the Council of Europe member states, representatives from Finland, the Holy See and Liechtenstein, and observers from certain international organisations. The following items will be discussed: prisoners of foreign nationality; procedures designed to facilitate access to the courts; how can modern administration meet the needs of the citizen?

Conventions and agreements

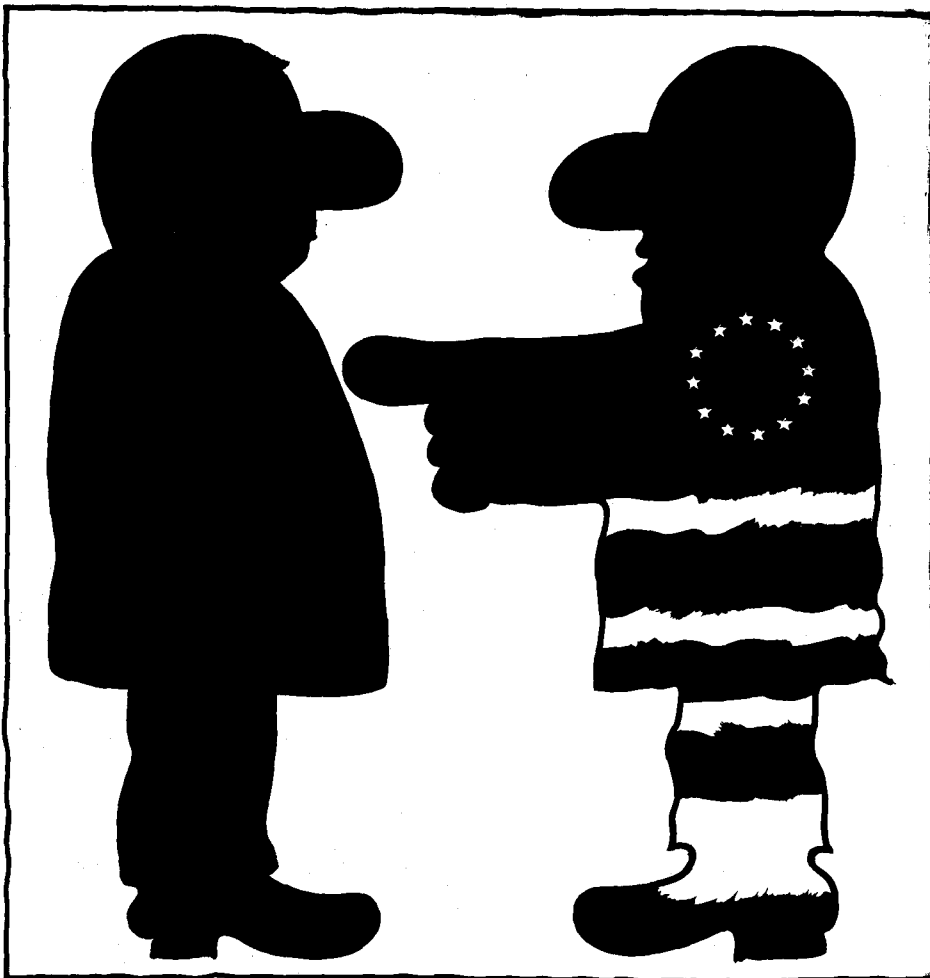
- Additional Protocol to the *European Convention on Information on Foreign Law*.
- Second additional Protocol to the *European Convention on Extradition*.

- Additional Protocol to the *European Convention on Mutual Assistance in Criminal Matters*.

- *European Convention on the Obtaining Abroad of Information and Evidence in Administrative Matters*.

For documentation or more detailed information write to the Directorates concerned or to the specialised documentation centres:

- Documentation Centre for Education in Europe
- European Information Centre for Nature Conservation
- Council of Europe, 67006 STRASBOURG CEDEX, France.



“EUROPE MEANS YOU”

was the Council of Europe's message to the peoples of its 20 member States for Europe Day 1978.

The purpose of Europe Day which is celebrated in a growing number of towns and villages is to strengthen people's personal commitment to European unity.

This year's poster was designed by the graphic artist Robert Geisser who won the first prize in a competition organised in Switzerland by the Council of Europe.

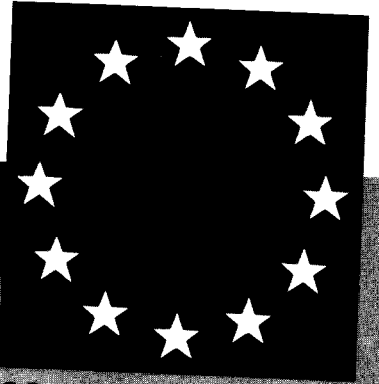
Europe Day
Your Day
5 May 1978
Council of Europe
Conference of Local
and Regional
Authorities of Europe

Europe
means
you

The Palais de l'Europe in Strasbourg



Council of Europe



20 member States

Austria
Belgium
Cyprus
Denmark
Federal Republic
of Germany
France
Greece
Iceland
Ireland
Italy
Luxembourg
Malta
Netherlands
Norway
Portugal
Spain
Sweden
Switzerland
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