



Around Europe

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Anything Anywhere Traceable Any Time

You've mislaid your keys, or your glasses or you've forgotten where you parked your car? No problem. The 'internet of things' will allow you to track any of these items on your personal, handheld computer. You don't believe me? You think I have read too much George Orwell? 1984 has nothing on tomorrow's world.

On 14 November 2007, the Portuguese Presidency issued a paper, addressed to the Council of the European Union (in its Competition configuration) entitled 'On RFID - the Next Step to THE INTERNET OF THINGS (our emphasis)' which sets out the outcomes from a conference on this subject held in Lisbon on 15-17 November 2007. Yes, the paper on the outcome predates the conference start by a day, but this is just one of the signs that this is a brave new world.

So what are RFID chips? They are Radio Frequency Identification Chips. It's simple; you put one of these chips into anything, a key, a car, a pair of trousers, or whatever. You can even implant them into animals or people. Then, through radio frequency you can track them anywhere. Integrate this with computer networks - such as the internet - and hey presto, anything anywhere traceable any time.

The EU has recognised that this is not a completely uncontroversial development. The Commission launched a public consultation which was open from July to September 2006 to which 2,190 responses were received. The issues this technology raises are: data protection, privacy and security, governance of an 'INTERNET OF THINGS', availability of radio spectrum, standards, and environmental and health issues.

But the EU sees this much more in the context of the 'potential to become a new motor of growth and jobs', a phrase found both in the Commission Communication and in the presidency paper. Both flag up that the growth in this industry

in the EU is, at around 45% per annum, lagging behind the global growth figure of just under 60% per annum. In other words, if we don't watch out, the US, China, and India will make the money from this, rather than the EU.

But this rather misses the question as to whether we need this at all, in which areas the technology should be used, under what kinds of conditions and for whose benefit. This is, yet again, an example where all actors, (and the EU and the EU Member States are no exception,) are so blinded by the attraction of a new technology and its money-making potential for gadgets that the real questions are sidelined.

In light of major data protection blunders in the UK in recent weeks (and no doubt, these are not unique), would it not be better to draw breath and wonder whether the risks are worth it for the potential benefit this technology might offer?

QCEA had its attention drawn to this development at a meeting arranged for the Intergroup for Peace Initiatives on European Security Research which took place on 21 November 2007; Ben Hayes from Statewatch and Chris Langley from Scientists for Global Responsibility both spoke at this well-attended event. A full report of the event can be found on the QCEA website at www.quaker.org/qcea.

Martina Weitsch

In this Issue:

One Tiny Step - In the Right Direction	Page 2
Energy Conference	Page 3
Effective Counter-Terrorism in Denmark	Page 4



One tiny step - in the right direction

How is the EU Charter of Fundamental Rights different from the European Convention on Human Rights?

On 19 October 2007 the Informal Summit in Lisbon agreed on the new EU Reform Treaty. One important part, the Charter of Fundamental Rights, drawn up by the first European Convention 1999/2000 and signed and published by the European institutions on 7 December 2000, becomes part of Community law and legally binding immediately in all Member States except the UK and Poland, where the previous government insisted on an opt-out. The new Polish government has now announced that this opt-out will remain.

It therefore seems worth looking at how this decision will - after successful ratification of the Reform Treaty - influence the human rights protection of European citizens. The current basis for the present human rights protection in Europe is the Council of Europe's European Convention on Human Rights (ECHR) which has been ratified by - amongst others - all EU Member States and whose correct application is under the jurisdiction of the European Court of Human Rights in Strasbourg (the Court).

The ECHR is thus the basis for the Charter which, in Article 52, says expressly that "the meaning and scope of those rights shall be the same as those laid down by the said Convention", so that the protection provided by the Charter should not be weaker than that provided by the Convention. In other words, the Charter cannot be weaker than the Convention by definition.

More difficult to answer is the question whether the Charter strengthens human rights in the EU, either by expanding the provisions of the Charter compared to those of the Convention regarding the same right or by implementing new rights.

The Charter differs from the Convention in three ways: It implements very few totally new rights. It sometimes widens the scope and/or the meaning of a right. And, most frequently, it makes explicit elements which the Convention and its protocols only imply and it incorporates case law of the Court. It thus 'updates' and collates the catalogue of common European human rights into one document.

What are the substantially new rights?

- Firstly the right to conscientious objection

(CO), a right that QCEA has fought for ever since it came into being in 1979. It was neither established by the Convention nor by its protocols. Although the formulation is very weak, (CO shall be provided "in accordance with the national laws governing the exercise of the right"), the Charter is the first document in international law that recognises CO as a fundamental right.

- The right to asylum is provided for by the Charter. But it does not go further than recognising this right in a general way by making reference to the existing documents in international law which establish the international asylum regime. A clear definition of the right to asylum which could have finally established the basis for a common asylum policy has not been made.

- The Charter provides the right of freedom of the arts and sciences, a provision without a counterpart in the Convention that only protects the freedom of expression but not specifically freedom of the arts and sciences which shall be free of constraint by the state.

- It foresees the right to a high level of consumer protection, environmental protection and the right to good administration.

- The Charter is the first document that uncouples the right to marry from the right to found a family. In Article 9, it provides the right to marry and the right to found a family, thus making allowances for changed concepts of what constitutes a family in European societies.

- The Charter provides, as its biggest difference to the Convention, a relatively high number of social rights, such as the right to fair and just working conditions or the right to protection in the event of unjustified dismissal. These rights all appear in the European Social Charter but not in the European Convention. That is why they could possibly be seen as 'new' rights. But the reason for this is mostly historical: The mothers and fathers of the Convention were in favour of taking only the traditional liberal human and fundamental rights into the document and not economic and social rights, because they did not feel the latter to be sufficiently enforceable in law. This gap was then filled by the European Social Charter which is only legally binding if a member state has chosen to accept the collective complaints procedure. The Charter now merges the traditional human rights and the rights from the European Social Charter. That is why these



rights should not be seen as substantially new rights in the European human rights context.

Furthermore there are areas where the scope of a right is widened, but where no substantial new right is introduced. Here are some examples:

- The right to physical and mental integrity, already guaranteed by case law of the Court in the context of Article 8 of the Convention, is widened and applied to ethical questions of biology (e.g. prohibition of eugenic practices). This gives a new shape to the right to personal integrity, while the right as a whole is not new in the European human rights context.
- The right to protection of personal data, often mentioned as a 'new' right provided by the Charter, is none other than the protection of private life guaranteed by Article 8 of the Convention. However, the intended protection is wider than in the Convention, e.g. regarding the access to personal data.

In most cases, the Charter either takes the formulation from the Convention or its protocols, or formulates explicitly, what has previously been implicitly part of the human rights catalogue because of decisions made by the Court. To give some examples:

- The Charter provides the right to non-discrimination for several groups (women, children, disabled persons, the elderly, etc.) in a relatively detailed form. This was not formulated in the Convention, where non-discrimination is

only expressed in a relatively general way. However, the Convention, its protocols and the decisions of the Court taken together provide the same protection as that of the Charter. It is thus not an improvement of the level of legal protection. But if in mentioning these groups separately the political effect is greater, then this is all to the good.

- The freedom of the media, provided for explicitly by the Charter, is part of the freedom of expression provided by the Convention and has always been interpreted in this way. The words are new, the content is not.

In conclusion:

The Charter does not necessarily provide a higher level of legal protection than the Convention with regard to traditional human rights. The newly introduced rights only cover a few specific areas (e.g. conscientious objection, asylum), and these are not very strongly formulated.

The added rights which do not figure in the 'traditional' human rights catalogue, such as social rights, the right to a good administration and to a high level of consumer protection are so generally formulated that their practical enforcement in law is at least arguable, a point often criticised by experts on international law. However, Article 53 of the Charter provides at least the same level of protection as the Convention. In the next issue of *Around Europe*, we shall discuss the *political* impact of the Charter.

Lucas Guttenberg

Energy, Climate Change and Conflict **Help us find the Quaker Way**

A one day QCEA conference at Leicester Meeting House

Saturday 9th February 2008

10.00am - 4.00pm

Speakers and contributors include:

UK MEP Roger Helmer

Martina Weitsch, Quaker Council for European Affairs, Brussels

Laurie Michaelis, Living Witness Project, UK

The relation between climate change, unequal distribution of energy and wealth around the world, and conflict is being recognised. Some of the questions which arise are:

Are we part of the problem? Is there a solution? What can Quakers do?

To register please send name and full contact details (including email address) **with conference fee of £10**, payable to QCEA British Committee to:

QCEA Conference

c/o Jessica Metherringham

Flat 2, 147-149 Kew Road, Richmond, TW9 2PN

Further information from: qceaconference@gmail.com



Effective Counter-Terrorism in Denmark

QCEA was invited to present our report on effective counter-terrorism as part of a panel discussion on interfaith dialogue in Copenhagen, Denmark. Our presentation focussed on a need for threats to be dealt with by taking a longer-term, preventative approach; a need for greater adherence to global values; a need to increase efforts to solve protracted global conflicts; and the establishing of both constructive dialogue and more culturally sensitive education. Weaknesses in current strategies, including 'sharp end' counter-terrorism and the fusing of counter-terrorism to counter-intelligence were also brought to the attention of the floor.

Both of the other panel members were Danish Imams who work to increase interfaith engagement and dialogue in Denmark. One had been promoting greater understanding between

Muslims and Christians for more than forty years. Here, practical examples of increasing awareness and building relationships between minority and groups in Denmark were presented.

Questions surrounding the definition of terrorism and what constitutes radicalisation were raised during the discussion. A necessity to include the actions of states in a definition of terrorism was highlighted alongside concerns that attending Friday prayers in a mosque was sometimes seen as constituting radicalisation.

The session was highly productive and the QCEA report was well-received. We hope that this panel discussion is a step towards greater interfaith engagement and more effective counter-terrorism in Denmark. The report is available at www.quaker.org/qcea.

Matt Loffman

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