Around Europe

Quaker Council for European Affairs

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300 and Counting

This edition of *Around Europe* is a bumper edition. It celebrates 300 editions over the last twenty-nine years, a record to be proud of. But it is a record which we share with all the people who have made QCEA what it is. We can't include all of them in this edition; but we have asked the previous Representatives to write for this edition and five have responded to our call. In these pages you will read of the ongoing activism of Pat Stapleton; of the long-term view of criminal justice work which Nick McGeorge continues to be engaged in through QCEA, QUNO and through other connections; of the concern for civil liberties voiced by Barbara and David Forbes – a counterpoint from one Member State of the EU to QCEA's own work on the EU's response to terrorism; of the ongoing work on conscientious objection which QCEA shares with Tim Brown; and Richard Seebohm's view of the Lisbon Treaty. All topical, all connected with the long-term work of QCEA. We are delighted to be able to bring together these strands of QCEA work with our predecessors' voices.

Martina Weitsch and Liz Scurfield

Eyewitness Report from Palestine

I have never before lived where so many of the people I meet, as students, colleagues or friends, have been in prison themselves or have close relatives in prison.

During my first few days here I met a twenty-one year old recently released after four years in prison, the suffering she had experienced left her with a determination to complete her education and go on to university to study law. At the other end of the spectrum, one of the university lecturers in her mid-50s explained to me that none of the members of her family could get permission to go to East Jerusalem because she and her brother had both been political activists in their youth - it was all on their records. She herself had been in prison five times but usually only for a few days, the longest period being a month. I am talking here about Muslim women, they might equally have been Christian, as both live and work together quite happily here in Palestine. My stereotype of oppressed Muslim women has been somewhat revised. Of course it is a male-dominated patriarchal society but a highly educated one and girls expect to continue to university like their brothers. Just over half the students at Al Quds University are women and about 10 per cent of these go bareheaded.

Not surprisingly the vast majority of prisoners are men and boys – they are the ones who throw

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stones at the Israeli soldiers.

It was pleasing to learn that as a gesture to Fatah and the President of the Palestinian Authority, 300 prisoners were released shortly after Annapolis. Careful study then shows that most of them were due to be released in the next few weeks, having completed their sentences, and a further 400 have been arrested recently. Night raids leading to the arrest of two or three youths are so common that no-one bothers to mention it. But these youngsters may be held in administrative detention, constantly renewed for months or even years, without access to a lawyer, before their case is finally judged by a military court which treats sixteen year olds as adults...

Abu Dis, where I am living, is really a suburb of East Jerusalem but it is now cut off by the wall which dominates our lives. The university which has 10,000 students coming from all over Palestine, has some impressive new buildings and lovely gardens, financed by rich oil states and the EU, but as you walk out through the splendid stone archway you are immediately confronted by these monstrous blocks of cement which snake across the countryside isolating people from both their land and their activities. Jerusalem which used to be seven minutes away by car –the place for worship , for hospitals, schools and all major services - was accessible on foot for schoolchildren. For a number of years people managed to evade the checkpoints, taking minor paths but today they are completely cut off. Now 80 per cent of the residents are unable to go without a permit that may take weeks or months to obtain if they have a good reason – a shopping trip or a visit to a family member or friend living there is out of the question.

The eighty year old mother of the family where I am staying has had several appointments at the eye hospital in Jerusalem and I accompanied her on a recent visit. First we drove to the check point on the edge of town; but her daughter, the driver, is not allowed to cross, so she drove home. I continued with the mother through the clanging iron turnstile, up to the heavily protected Israeli soldier who examined her permit and my passport minutely, and eventually out to the other side, where her grandson, who lives in Jerusalem, was waiting with his car, to drive us to the hospital; she was fortunate to have a valid permit. On this occasion there was not a long queue and we went through quite quickly but that is not always the case… Delays at checkpoints even within the occupied territory of the West Bank are a major source of stress because you can never calculate the time for a journey – last week there was a three-hour delay at another entry and some people were abandoning their cars and trying to walk home. Another day, returning from a day out with a youth group we were kept sitting in our bus for almost two hours before being allowed to complete our journey. The purpose seems to be to steadily wear down the population and encourage them to leave.

My students laughed when I asked if there was anywhere they could go and swim – the Dead Sea used to be a regular place for a day out – now it is closed off to provide exclusive beaches for Israelis; Palestinians can only have access if they leave the country and go into Jordan.

Sitting in the Ramallah Friends Meeting House listening to Jean Zaru speak on the theme 'Confronting the structures of Domination', I recalled my previous visit in 1991 when we held meeting for worship in this same building, scarcely recognisable today. Then the windows were broken, the rain leaked in through the roof and the walls were filthy, covered in graffiti – this was during the first intifada – but in spite of everything we were filled with guarded optimism. Today the Meeting House, now also the Friends International Centre, is in immaculate condition, warm and welcoming, but the state of Palestine is infinitely depressing. Violence is news so rockets and killings make headlines for a few hours, structural violence is not observed and it continues on a daily basis. Here is a country with every promise, the highest literacy and general educational level in the Middle East, supported by myriads of NGOs from all over the world, promised vast sums of money only recently at the Paris conference, post-Annapolis – the one thing missing is what is needed beyond all else – a political solution.

People are divided and political leadership is lacking. The democratic choice of Hamas at the last election was not acceptable to the West and financial boycotts have increased the suffering.

As I write, the teachers are on strike because their modest salaries have only been partially paid. The Gaza blockade has once more put the Israel/ Palestine conflict in the spotlight; the people of Gaza have broken down barriers and asserted their freedom. Could the destruction of the barrier into Egypt be the beginning of a new and more hopeful phase? Can the EU do more to influence the situation than just sending back its observers to the border?

Pat Stapleton (Representative from 1979 to 1983 – with Brian Stapleton)

Success in reforming criminal justice systems in Europe – a long-term view

An important, effective and continuing strand of QCEA's work over the past thirty years has been the reform of criminal justice and improving conditions for prisoners. And the efforts have borne fruit. The Council of Europe and the United Nations have published reports and passed policy recommendations that were initially stimulated by QCEA. What has been particularly interesting is that the studies and reports undertaken by QCEA have generally been the first to look at situations across Europe.

Quakers have been involved in criminal justice at the UN level through Friends World Committee for Consultation's accreditation at the United Nations. The connection with the UN Office for Drugs and Crime in Vienna was due initially to the presence of an Austrian Friend, Grete Scherer. She diligently attended the meetings of the NGO Alliance to the UN in Vienna and put forward reports called 'Waiting for Justice' and 'Crowd Control', two European-wide studies undertaken by QCEA on conditions in remand prisons in western Europe and on policing mass demonstrations respectively.

As a consequence, the UN Criminal Justice Branch requested QCEA to comment on the initial draft of a code on the use of firearms by law enforcement officers and to send a representative to a week-long workshop on drafting its text. The outcome was a code, adopted at the 1990 UN Congress on the Prevention of Crime and Treatment of Offenders that severely restricted the use of firearms. Governments now have to ensure that special attention is given to alternatives to force and firearms such as the peaceful settlement of conflicts, understanding crowd behaviour, methods of persuasion, negotiation and mediation.

At the same Congress, the UN staff had used the QCEA report 'Waiting for Justice' to encourage the Austrian Government to put forward a resolution on remand conditions and minimum standards. This was done and the resolution was passed.

In 1987 the Northern Ireland Committee of Quaker Peace and Service of London Yearly meeting requested QCEA to undertake a study of national systems for the assessment and release of life-sentence prisoners. As I was working for QCEA at the time, it was agreed that I should do the study because of my experience of working as a principal psychologist in the English Prison Service. With the encouragement of the Council of Europe, the study 'A Fair Deal for Lifers' was completed in early 1990.

Quakers at the 1990 UN Congress were then able to draft a resolution on life imprisonment for adoption by the member states. Five states signed the draft and it was accepted. The final text requested the UN to produce a report on the issue of assessment for release procedures and to examine whether life imprisonment was necessary.

As a consequence, in 1991, with the support of UN staff in Vienna, Sean Eratt, a young Friend with a law degree, became an intern in the UN Vienna offices to write the report on life imprisonment. He was funded jointly by Quaker Social Responsibility and Education and Quaker Peace and Service in London Yearly Meeting, and was the first person to receive such joint financial support. The report was officially published and circulated by the United Nations in English, French, Spanish and Arabic. An underlying aim of the report was to encourage more Islamic countries to include life imprisonment as another option in their sentencing policies.

Another result of 'Waiting for Justice' was an invitation to QCEA to attend an international seminar in Poland in 1991 on remand conditions, run by the Council of Europe. The paper I presented was published in a book of the seminar.

In 1997 QCEA published a booklet 'The Threat to Human Rights and Criminal Justice', which was circulated by the Human Rights Division of the Council of Europe to 100 reference libraries throughout Europe.

At the 1999 meeting of the UN Commission on Criminal Justice and Crime Prevention, Quakers were instrumental in expanding an Italian resolution on mediation and reparation to cover restorative justice, and helped to ensure that restorative justice would be a major topic at the UN Congress in 2000. Restorative justice seeks to bring victims, offenders and the community together to repair the harm to the victim and re-integrate the offender into the community.

The Congress supported further work on restorative justice. A group of non-governmental organisations, including Quakers, developed

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guidelines on implementing restorative justice. These were accepted by the UN Commission on Criminal Justice and Crime Prevention in 2002.

One of the important achievements of the past few years has been the strong cooperation between QCEA, QUNO Geneva, the FWCC delegation to the UN Criminal Justice and Crime Prevention Commission in Vienna, and Britain Yearly Meeting on the themes of women prisoners and the children of prisoners.

These themes developed from an official Quaker statement on the particular problems of women prisoners and their growing numbers around the world presented at the UN Commission's meeting in 2003. It became apparent that there would be little prospect of these themes being tackled in Vienna.

One of the first actions by QCEA was to produce a gender commentary on the new European Prison Rules, adopted by the Council of Europe. It made an impact. Two of the original drafters of the new Rules accepted the analysis and the need for an additional annex addressing the specific needs of women prisoners.

In Geneva, a staff member of the UN Human Rights Commission was preparing a report on the children of prisoners as part of her degree thesis. She was happy for QUNO to publish and circulate the report.

QCEA decided to undertake a detailed study about women prisoners in the member states of the Council of Europe, by providing the time of programme assistants to undertake research and visit women prisoners in some of the member states. This work complemented the work in Geneva, where a broad-brush approach to women prisoners' treatment and problems around the world was being prepared.

The work of QCEA led to the Parliamentary Assembly of the Council of Europe asking for a formal report on this subject and QCEA has been asked to prepare a report on women in prison in collaboration with Madame Cliveti, MP from Romania, who has been appointed as the rapporteur.

As a direct result of pressure from QCEA, Madame Marie Panayotopoulos-Cassiotou, MEP from Greece, a member of the Committee for Women's Rights and Gender Equality (the Committee) in the European Parliament (EP) and a member of the EPP-ED (conservative) grouping, wrote an own initiative draft report on the situation of women in prison and the impact of the imprisonment of parents on social and family life. The report received 74 amendments and these were discussed and voted on in the Committee on 28 January 2008.The draft report will now have its first and possibly only reading in a plenary session of the EP on 12 March 2008.

The Directorate-General Internal Policies, Policy Department C Citizens' Rights and Constitutional Affairs also wrote an internal study on Women in Prison at the request of the Committee. Both Madame Panayotopoulos-Cassiotou's report and the internal study drew quite extensively on the findings in QCEA's two reports.

In Vienna in 2007, the UN Office on Drugs and Crime decided to publish a handbook on care and treatment of women prisoners, based on the QCEA report and studies from QUNO in Geneva. The handbook will be available this spring, with a credit for the work that QCEA and QUNO Geneva have done.

The latest development has been the agreement by QCEA, QUNO and FWCC to work with the European Office of the World Health Organisation in developing a statement in 2008 on the health of women prisoners.

Much remains to be done – having a long-term vision and the patience to keep going is what counts.

Nicholas McGeorge (Representative from 1986 to 1988 – with Ena McGeorge)

Civil Liberties – reflections on the UK situation

At Britain Yearly Meeting 2007, civil liberties featured prominently on the agenda: a well-attended lunchtime meeting prepared Friends for a plenary session, reflecting the level of concern which has been growing in the previous two years. Most of the exchanges in this developing concern have been through an e-mail list, with a few face-to-face meetings and a general feeling of helplessness faced with the rapid erosion of our civil liberties.

Over the last ten years, rapid and successive pieces of legislation have eaten away at our rights as citizens. Our rights to peaceful protest and freedom of speech are being taken from us; our movements and telephone conversations are being monitored; our private information is being collected and stored at an ever-increasing pace. Our freedom to travel will be hindered as the government introduces high-profile security measures at 'strategic' railway stations and ferry

ports; officers will be able to cancel legally-acquired visas at the immigration desk.

Our private details are on as many as 600 government and private databases; the British DNA database is the largest in the world. Many private companies have access to official data, partly through subcontracting and outsourcing. For a country such as the UK, in which compulsory identity cards are only a dim memory from the years during and immediately after World War 2, the project to re-introduce them has met with opposition at all levels. People recall the 'function creep' of those years, during which the official three functions of the card on its introduction had grown to thirty-nine by the time they were abolished in 1952. As well as government plans to turn us into totally transparent creatures, recent serious security lapses have shown how fragile are their promises that our data will be in safe hands.

We are being turned into units of data. Our details are processed by people who work in a target-based culture and who cannot see the humanity behind the statistics. We are well on the way to becoming a surveillance society, with much of the necessary legislation being passed in acts with innocuous or even boring-sounding titles, or by statutory instrument which requires no parliamentary scrutiny.

This is, of course, by no means a British problem. The German government is planning a national census with a view to collecting and storing data centrally on a single base; websites and newspapers in Belgium and France refer to George Orwell in their condemnation of plans in their countries; and the European Data Protection Supervisor recently warned about the steps being taken Europe-wide towards a surveillance society "where automated decisions will be taken and where technology will be abused in order to regulate the human behaviour."

When confronted with this situation, Quakers, who believe that it is our task to make the Kingdom of God visible and to ensure that the doings of the body politic are consistent with the ideals of the Kingdom, have been seen to be somewhat at a loss as to know how to respond. We are very far from those ideals. A member of the Quaker Civil Liberties network has suggested the following topic for discussion in our meetings: "When people look back at this period in the future, what will they select in particular from this period that was obviously the tipping point that led to fascism?"

We are, on the whole, better able to react when dealing with developments in, for example, the treatment of asylum seekers, whose civil liberties continue to be ignored. If a society is judged on how we treat the most vulnerable amongst us, then we fail miserably. The last eighteen months has seen the establishment of a Quaker Asylum and Refugee Network as an informal listed group of Britain Yearly Meeting. In common with other EU countries, Britain has been playing a double game, underwriting the 2004-5 Directives on Guaranteed Minimum Standards in the asylum determination process, but at the same time introducing national legislation or rules which go the other way.

So it is that failure to provide information assisting in your own deportation that has become a criminal offence ('Treatment of Claimants Act' 2004), though no case has been brought to date. Reporting conditions introduced at the same time are used as an antechamber for deportation and therefore an opportunity for all manner of psychological persuasion tactics. Meanwhile, thanks to an Order in Council, refugee status has been downgraded from permanent residence to a five-year probationary stay. In 2008 there are estimated to be at least 300,000 asylum seekers in a 'legacy' backlog (Tony Blair's bequest). Oddly, growing numbers of them have a British spouse and children, but are still not allowed citizenship unless they agree to go back to a British Embassy in their country and try their luck at getting a marriage visa.

Alongside numerous clandestine asylum seekers are large numbers who are housed by the Border and Immigration Agency allegedly to comply with the European Convention on Human Rights. But private housing contractors and social workers are made complicit in breaking down doors and carting families off to detention centres at dawn. Previous beneficiaries of the 1997 Lisbon Summit Lifelong Learning policies espoused by the youthful Tony Blair, the majority of asylum seekers now quickly find themselves on or beyond the educational pale under his 'legacy' provisions. In short, in Britain, the Fortress Europe tendency has drawn in the boundaries of civil liberties far inside the reach of its potential new citizens.

Barbara and David Forbes (Representatives from 1989 to 1994)

Conscientious Objection – a recurrent theme

There are many good examples of Quaker faith in action, but I do not know of any better example than the establishment of QCEA in 1979. It is to my shame therefore that, despite having dedicated most of my life to international work, I had not heard of QCEA before a Friend in my local meeting suggested to me early in 1994 that I should apply for the job of Representative in Brussels. I did not need to have the idea put to me twice.

The most important part of QCEA is people. Programme Assistants have been central to QCEA's work over the years, producing reports that have been published and that have often been ahead of their time. It might be invidious to write about living individuals, but I would like to give a special place in this article to remember one of them: Anna Schröder, who died tragically and young in Brussels, six months after completing her contract with QCEA. She was outstanding in her abilities and competence in many different ways, and her report *Biotechnologie und Ethik*, published first in German and later in English, reminds us of what sort of person she was and how capable she was. Without Anna, and all the other colleagues in the office, and Marianne looking after the house, my job would have been impossible.

It would also have been impossible without the support of Friends in Brussels, and again I must pay tribute to a special person who also died too young: Elisabeth Baker. Elisabeth was one of those whose vision brought QCEA into being. While we were in Brussels, she was Clerk of the Bureau, a small committee that met once a month to give us support, and what support! Elisabeth was always there to bring common-sense and comfort, whenever, and that was not infrequently, there were difficulties and moments almost of despair.

Early in my time, the European Bureau for Conscientious Objection (EBCO) held a meeting at Quaker House, where a Turkish CO, Osman Murat Ülke was present. He had been living in Germany for some years, and had the right to remain in Germany, but he was determined to go back to Turkey and declare his conscientious objection publicly. That is what he did, and over the succeeding years he was arrested, imprisoned, released, and re-imprisoned several times. In January 2006 he won his case at the European Court of Human Rights. Sadly, as I write, he is still being pursued by the Turkish military authorities. It must be hoped that the EU will not admit Turkey into membership until it has recognised the right to refuse to join the armed forces, and abolished Article 318 of the penal code, that prescribes harsh prison sentences for journalists who mention conscientious objection.

If one thing stands out for me from my time as Representative, it was the unanimous approval of QCEA's resolution on conscientious objection at a meeting of international NGOs in the Council of Europe in September 1996 that was then forwarded to the Committee of Ministers. I was helped in preparing that by EBCO, of which I have remained a Board member, and by the Directorate of Human Rights in the Council of Europe. A couple of years ago I was glad to have QCEA's report on the status of COs in European countries to hand when a local journalist rang me to talk about conscientious objection. I was also interviewed about it for a local newspaper in September 2007 during national Quaker Week in Britain. It is interesting to read in early editions of *Around Europe* how QCEA's work on conscientious objection has been a recurrent theme throughout the last twenty-eight years.

Again in September 2007, one of the Quaker Prison Ministers in our Monthly Meeting, who visits two prisons, one for men and one for women, referred to QCEA's report on Women in Prison, and said he wanted to pursue its ideas with the Governor and staff of the women's prison. A group of five women Friends visited the prison at the end of October, and had a useful meeting with the woman governor and four prisoners.

It is clear that QCEA's vision and values remain as important today as they were in 1979.

Tim Brown (Representative from 1995 to 1997)

The EU and its new treaty

The European Union is brought to life by successive treaties and agreements, and above all by fifty years of practical experience. The new Lisbon Treaty is neither an outrage draining from Member States their capacity for independent decision nor a boring bureaucratic fudge with no bearing on our daily lives.

The Treaty tries to make an enlarged EU manageable. There will be an independent Council president and new arrangements to chair subordinate meetings, rather than the six-monthly rotation of national presidencies. Deliberations will (at last) be public. There will be fewer commissioners than there are Member States; fairness between states will be ensured, but over a longer period than the five years of each appointment.

The Parliament will gain massively, since there will no longer be segments of the budget (like agriculture) exempt from its control, and many more topics are open to 'co-decision'. National parliaments get more recognition, with powers to claim that subsidiarity is breached (that is, when the Commission proposes something that should be left to Member States), and (in particular) power to block EU decisions about cross-border family law.

On external affairs, a 'High Representative' will be appointed who presides (where relevant) over both Council and Commission meetings. There will be an EU 'External Action Service' (although there are already Commission officials in 118 countries). The military influence is, however, unabated. A European Defence Agency will 'improve military capabilities', though Member States don't have to join it. The so-called Petersberg tasks which justify collective military action are extended.

There is no provision, sadly, for specific non-violent initiatives in the conflict resolution field. It simply states that civilian and military resources may be deployed.

Justice and Home Affairs are brought into the co-decision mainstream instead of being wholly inter-governmental, but the UK, Ireland and Denmark have opt-outs (and, seemingly, powers to opt out and opt back in as it suits them). Interestingly, though, the Danes are thinking of a referendum not on accepting the Treaty but on whether to give up their opt-outs. The developments driven by anti-terrorism paranoia have a momentum outside any Treaty provisions.

The EU Charter of Fundamental Rights is one of the UK opt-out candidates. It becomes part of EU law. It goes with the new decision for the EU to have its own legal personality and to sign up to the Council of Europe's European Convention on Human Rights (on which the EU Charter is based). It is worth mentioning that the EU Charter has 'explanations' which limit the rigour of the statements in the Charter itself (for example the death penalty is permissible in times of war). These mainly reproduce weasel words in the European Convention. The UK has several further opt-outs in that. The Council of Europe also has a Social Charter, which is again reflected in the EU Charter, and it is the workers' rights here that particularly worry the UK. One oddity in the EU Charter is a statement that social cohesion requires universal access to 'services of general economic interest', a thought picked up in the Treaty itself. It may reflect the tension between privatisation and public service.

The Treaty, if ratification goes through, will come into force in 2009, a year in which a new European Parliament is elected and a new Commission appointed. But many changes don't come in for another five years.

A current piece of business worth noting is the Commission's 'Better Regulation' programme. Member States are offered bits of EU legislation which can revert to national discretion or can be repealed altogether. One such is a collection of hygiene rules for shops and for fishing boats. They will now apply only to large boats and supermarkets, not to small boats and small shops. The Member States, however, don't seem very grateful.

Critics of the EU seem to show little gratitude, either, for the clause in the Treaty enabling countries to relinquish their membership.

Richard Seebohm (Representative from 1998 to 2001)

This is number 300!

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