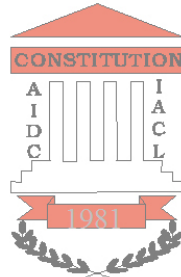




Presidência Portuguesa do Comité de Ministros do Conselho da Europa
Portuguese Chairmanship of the Committee of Ministers of the Council of Europe
Présidence Portugaise du Comité des Ministres du Conseil de l'Europe



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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in the framework of
THE ACTIVITIES OF THE PORTUGUESE CHAIRMANSHIP
OF THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE

in co-operation with
THE UNIVERSITY OF COIMBRA
IUS GENTIUM CONIMBRIGAE CENTRE and
FACULTY OF LAW

&
THE INTERNATIONAL ASSOCIATION OF CONSTITUTIONAL LAW - IACL

UNIDEM Seminar

“THE STATUS
OF INTERNATIONAL TREATIES
ON HUMAN RIGHTS”

Coimbra (Portugal), 7-8 October 2005

SYNOPSIS

The Venice Commission in co-operation with the the University of Coimbra, *Ius Gentium Conimbrigae Centre*, the Faculty of Law of Coimbra and the International Association of Constitutional Law (IACL) organised a seminar on “The Status of International Treaties on Human Rights in International law” in Coimbra, from 7 to 8 October 2005. This activity was organised in the framework of the Portuguese Presidency of the Committee of Ministers of the Council of Europe.

The aim of the seminar was to examine the position which international human rights treaties have in international law as well as in internal legal systems and try to determine whether there exist “core” human rights, that is rights which impose obligations on all states and which should override conflicting norms of whatever origin. After a number of reports (12) made by leading experts in the field of international human rights law and constitutional law, the participants held a fruitful discussion.

The reports made under the three main themes covered various aspects of the issue of the status of international human rights treaties, such as :

- Human Rights treaties and succession of states;
- Human Rights treaties and the Vienna Convention on the Law of the Treaties;
- Territorial scope of human rights obligations;
- Constitutional supremacy of human rights treaties;
- Incorporation of human rights treaties into domestic law prior to their ratification;
- International treaties and agreements conditioning trade and foreign aids on respect for human rights and democratic principles;
- Social Rights as “core” human rights in Europe, and
- Human Rights provisions and their effects on international criminal justice.

Based on ethical foundations and inherent dignity of the human person, the international treaties on human rights, in view of the participants to the seminar, represent a special category of international treaty and as such should be given the interpretation the most favorable to individuals in the framework of the Vienna Convention on the Law of the Treaties. The participants also acknowledged that while there exist, among human rights and freedoms, “core” human rights that are *conditio sine qua non* for the enjoyment of all the others, their exact delimitation and legal consequences need to be further explored.

The texts of the reports presented during the seminar will be published in the *Science and Technique of Democracy* Series. They will also be available shortly on the Venice Commission web site (www.venice.coe.int) under the heading “Documents/Seminars”.

Gianni Buquicchio
Secretary of the Commission