

Toespraak door Mark Andries, kabinetschef van Vlaams minister-president Geert BOURGEOIS

Opening conferentie 'Connecting law and memory'

Mechelen, 20 september 2016

Your excellencies,

Ladies and gentlemen,

Dear guests,

It is a great honour for me to say a few introductory words on behalf of the minister president of Flanders at the start of this conference here in the beautiful city of Mechelen.

First I would like to convey the apologies of the minister-president.

He would have preferred to attend, however (the budgetary) discussions in Brussels prevented him from doing so. The Minister-President has asked me to replace him, which I am very happy to do.

Ladies and gentlemen,

As you probably know, this city was once the legal and administrative heart of the Burgundian Netherlands.

This conference is also part of a wider series of events commemorating the fact that the Great Council of the Netherlands was established here in Mechelen 400 years ago.

At the start of this speech, it is therefore only appropriate to go back in time for a few moments.

Human rights are indeed not new, they are of all times.

At the time when the Courts in Mechelen set the law for the duchies and counties of the Netherlands,

constitutional texts here in our area

-such as the Kortenberg Charter

-and the Joyous Entry in the fourteenth century

-or the Great Privilege at the end of the fifteenth century

and similar texts,

such as the Magna Carta, (the beginning of the thirteenth century)

focused on those human rights that are also central in this conference:

- protection from arbitrary arrest,**
- due process,**
- human dignity**
- and the right to be governed according to the rule of law.**

Sometimes these civil rights, which protect the individual from the State, are called “first generation human rights”.

Social and economic rights which require positive action from the State are then called “second generation human rights”.

Yet, those first generation human rights are currently also very topical.

For a long time, many people and politicians considered them to be self-evident in our western societies.

At the time when the European Convention on Human Rights was drafted, many believed hardly any infringements would take place, because the rights contained therein were so deeply entrenched in our constitutional traditions.

They would be surprised to see the heavy caseload of the European Court of Human Rights today.

This is only partly due to the evolutive and teleological interpretation of the European Convention by that Court.

By virtue of that interpretation, many situations not covered by the original intentions of the drafters of the convention, or not even imagined by them in that timeframe, are now protected by the Convention:

- digital communication,**
- new types of family life etcetera.**

Another reason for this heavy caseload is the fact that there is a great difference between law in the books and law in action.

Our countries may have human rights-abiding legislation, but in practice budgetary and other constraints may lead to situations where there is an evident disrespect for basic human rights standards.

The problem of our prisons automatically springs to mind.

At the last Universal Peer Review of Belgium by the United Nations last January

Belgium was asked

- to address the problem of overpopulated prisons**
- and to provide more adequate guidance to its prisoners.**

Just a couple of weeks ago, the European Court of Human Rights gave Belgium a two-year delay to remedy the situation in which the mentally ill are detained in prison without receiving any specific treatment of their mental condition.

The federal government, Flanders and the other Belgian Communities will have to work together to solve this long-standing issue.

At the same time, we are currently also witnessing a slippery slope of measures adopted or proposed by States throughout our continent.

They aim at tackling legitimate security concerns, but are not always completely in line with our common human rights traditions.

We need to fight relentlessly against radicalism, extremism and terrorism, without sacrificing fundamental rights and freedoms.

Politicians should equally be worried when they see how here in Europe

-thousands of scholars,

-teachers,

-policemen

-and civil servants

are being collectively fired or detained

because of their alleged political views.

Politicians should equally be worried when newspapers, even here in Flanders, close down out of fear for foreign repression against their journalists and readers.

Ladies and gentlemen,

Flanders pursues its own foreign policy, with a fully-fledged Ministry of Foreign Affairs and a substantial budget for activities in its main partner countries.

Human rights are part and parcel of our foreign policy.

At the moment the minister president is revising the policy paper on human rights and Flanders' international policy which dates back to 2011.

It is difficult to overstate the importance of human rights in international policies.

As has been stated by the United Nations

“there can be no peace without development, no development without peace, and no lasting peace or sustainable development without respect for human rights and the rule of law.”

Flanders’ development cooperation includes

-children’s rights,

-women’s rights

-and the rights of people with disabilities as cross-cutting issues.

We make sure our projects and programmes are conducive to promoting these rights.

Since taking up office two years ago, the minister president also deliberately opted to support several projects that are vital for laying the foundations for a world where human rights are better respected and protected.

I will give you some examples.

He recently funded a project of the United Nations High Commissioner on Human Rights to provide human rights education in schools in Iraqi Kurdistan, in order to promote a tolerant and diverse society.

Another initiative the minister president supports is a capacity building project by the Council of Europe, in order to assist Ukraine in developing a pluralistic media landscape, with an independent public broadcaster.

Ladies and gentlemen,

Human Rights Education is one of the core tasks of Kazerne Dossin.

Our diplomats abroad fund similar projects. In Hungary our general representative supported a human rights education initiative to strengthen civil society on the topic of the integration of Roma and Sinti.

The minister-president wants to continue to support similar projects because they create the necessary atmosphere for human rights to thrive.

Another important aspect of Flanders' human rights policy is the focus on strong human rights institutions here in Flanders.

Having these institutions and fostering them, increases our standing on human rights issues on the international scene.

Holocaust Museum Kazerne Dossin here in Mechelen plays an important role in that respect.

Not only towards the general public but also towards our school-going youth and towards public officials.

The theme of this three-day conference 'Connecting Law and Memory' is quite illustrative in that respect.

It draws lessons from history for civil servants, especially those active in maintaining law and order.

This conference focuses on human rights education and training programmes and courses on the basis of Holocaust and genocide studies.

Historical research has exposed the crucial role of civil servants, and in particular the police, in the persecution

and murder of Jews and Roma throughout occupied Europe.

These insights are essential in Holocaust and human rights education for governments.

This conference will also lay the foundations for a permanent online platform where sharing knowledge, experience and good practices is of central importance.

In addition, a thematic toolkit will be created and will generate, as an online manual, a sustainable set of tools available to each of our target groups (e.g. law enforcement, civil servants and other learning target groups focusing on education based on Holocaust remembrance).

To achieve these objectives, a follow-up conference is scheduled to take place at the KZ-Gedenkstätte Flossenbürg in 2017, and a closing conference will be hosted by Kazerne Dossin in 2018.

Ladies and gentlemen,

The Government of Flanders is proud to have been one of the initiators of Kazerne Dossin, which has become an internationally renowned institution in only a couple of years.

From the early start of the construction of the new museum, the Government of Flanders has explicitly chosen not just to turn Kazerne Dossin into a memorial, museum and documentation centre, but to also focus on human rights.

Naturally this is done without detracting from the historical significance of this place. A gruesome place, because more than 25,000 Jews and 352 gypsies were transferred from here to the concentration camp Auschwitz-Birkenau during 28 deportations between 1942 and 1944.

Ladies and gentlemen,

I wish you an inspiring conference and an interesting stay here in Mechelen.