

Connecting Law and Memory

Kazerne Dossin

Mechelen, Belgium

Minister-President Bourgeois,

Director Busch,

Ambassador Constantinescu,

Dear participants.

Visiting places such as this, a place of remembrance, generates a strong emotional response in many of us. Unfortunately, there are many places like this throughout the fifty signatory parties of the European Cultural Convention of the Council of Europe.

I have taken part in commemorations at Auschwitz-Birkenau. I have been to the Memorial de la Shoah in Paris and Drancy. And I always find myself reflecting on the same set of issues, the same set of emotions. One of those is the nature of “memory” – and I will come back to this shortly.

But first let me offer the most sincere thanks to our hosts for initiating this Conference and for associating the Council of Europe with it. I am very pleased to be representing the Secretary General with these opening remarks, alongside the International Holocaust Remembrance Alliance with which we have a long-standing relationship, as we have with the Memorial de la Shoah, and of course with Yad Vashem.

Minister-President,

“Connecting Law and Memory”, the title of the conference covers issues at the heart of the Council of Europe, its values, its fundamental objectives.

Law: the Council of Europe is the House of the European Convention on Human Rights, the House of the European Court of Human Rights. It is in the only international treaty-based body in which all member States are bound by the same basic commitments, based in law.

Council of Europe is also the home for important monitoring bodies – for example, the European Commission against Racism and Intolerance, a human rights body of the Council of Europe monitoring instances of racism, xenophobia, anti-Semitism, intolerance and discrimination, is a unique body to raise awareness throughout the European member states, and its Recommendations are followed very closely by member States.

The Council of Europe therefore has a Convention, or more correctly, a convention-based system, providing the legally-enforceable standards for a range of human rights issues.

Memory: the Council of Europe was founded in 1949 on the ashes of the Second World War, to ensure peace among peoples. It was born out of the resolve of “never again”. After a time in which States did not protect their own citizens, in which the basic right to life was denied, the idea was – and still is – that through laws and legal

systems States would commit to ensuring that the worst cannot be repeated. This resolve was fixed at a very specific time when, after the discovery of the horrors perpetrated during the war, people, societies, public authorities and States were all trying to find a way to reaffirm that Humanity exists after all the years in which it was denied.

Memories can be short and long. They can be selective. But, because of its particular genesis, remembrance lies at the roots of the Council of Europe. It is also enshrined in the European Cultural Convention of 1954 in which, in Article 2, each Contracting Party undertakes to "encourage the study by its own nationals of the languages, history and civilisation of the other Contracting Parties and grant facilities to those Parties to promote such studies in its territory".

More recently, in 2001, the Committee of Ministers, the executive decision-making body amongst member States, adopted a Recommendation on "History teaching in

twenty-first century Europe”, Section 6 of which provides the basis for establishing a “Day of Remembrance of the Holocaust and for the Prevention of Crimes against Humanity”. It states that *“everything possible should be done in the educational sphere to prevent recurrence or denial of the devastating events that have marked this century, namely the Holocaust, genocides and other crimes against humanity, ethnic cleansing and the massive violations of human rights and of the fundamental values to which the Council of Europe is particularly committed”*.

The Council of Europe conducts a number of programmes to assist in implementing the Recommendation, ranging from the provision of training, mainly for teachers and teacher trainers on the Remembrance of the Holocaust, to the production of pedagogical materials.

There remains debate, and there needs to continue to be a debate, around the nature of remembrance. Many of you will be aware of US historian Tim Snyder’s latest book,

“Black Earth”, which I read as arguing, amongst other things, that remembrance is too often an exercise in silent reflection while the causes of the Holocaust are ignored.

We are convinced, at the Council of Europe, that training in the field of human rights, which takes into account the lessons of history, and especially of the Holocaust and other genocides, is an absolutely fundamental requirement – for all, but especially to any person required to perform responsibilities in contact with citizens. This is why the Council of Europe has included training in this field for its own staff.

Let me conclude by paying tribute to all those Jews and gypsies who went through the Sammellager of the barracks of Kazerne Dossin between July 1942 and September 1944 and never came back. They are too many to list, but as long as we talk about them, their memories, their roles, and their place in our history, we pay tribute.