Aangenomen aanbevelingen en resoluties PACE
27 januari 2014- 31 januari 2014

1. Refusing impunity for the killers of Sergei Magnitsky

The Committee on Legal Affairs and Human Rights is appalled by the death in 2009 in pretrial detention of the Russian tax and accountancy expert, Sergei Magnitsky, who had carried out investigations into a massive fraud against the Russian fiscal authorities, and that none of the people responsible for his death have yet been punished. Mr Magnitsky, who was detained for alleged tax evasion after his complaints were sent for investigation by the very officials whom he had accused of complicity in the fraud he had denounced, faced increasingly harsh conditions despite declining health, and died after being beaten with rubber batons.

Based on a detailed analysis of these events, the committee urges the competent Russian authorities to fully investigate the circumstances and background of Mr Magnitsky's death, and the possible criminal responsibility of all officials involved, including contradictory testimony by prison officials and other witnesses, the existence of two different versions of the "death report", and the origin of the extreme wealth displayed by certain retired Interior Ministry and tax officials. Targeted sanctions against the individuals involved – such as visa bans and asset freezes – should be considered as a means of last resort, the committee proposes.

Recommendation
Resolution

2. A strategy to prevent racism and intolerance in Europe

Over the last decade, manifestations of racism, hatred and intolerance have increased both in gravity and number. The effects of the economic crisis on the social fabric and governments' failure to devise and implement adequate policies on social cohesion, migration and Roma inclusion have triggered this upsurge, which has been amplified by the increasing use of Internet and social media.

It has become urgent to address racism, hatred and intolerance in Europe through a strategic rather than a piecemeal approach. The urgency becomes even more acute considering that these phenomena affect entire groups, leading to group victimisation; they create divides in society between different groups, affecting human rights and social cohesion; and they erode even further the trust in public authorities, the rule of law and ultimately democracy.

A strategic approach to racism, hatred and intolerance implies the strengthening of a comprehensive legal framework at national level, accompanied by greater

efforts to ensure its effective implementation. The Council of Europe should take up a leadership role in this area, putting emphasis on prevention, awareness raising and human rights education, while relying on the Internet and social media as valuable tools to reach out to a wider public.

Recommendation
Resolution

3. Tackling racism in the police

Racism does not spare any part of society and the police is no exception. Racism can be present in the attitudes or behaviour of police officers, in their interaction with the population or with other officers. It can also be found in rules and regulations applied by the police, which would in that case qualify as institutional racism. Among these, racial profiling is a special concern.

Council of Europe member States should have the courage to acknowledge and address the existence of racism in the police. They should set up independent complaints mechanisms and ensure that racist crimes by police officers are promptly investigated and adequately sanctioned, with a view to avoiding impunity, maintaining trust in the police and encouraging reporting. Member States should also review existing legislation and practices of the police with a view to identifying and modifying those that might have a racist connotation.

Resolution

4. Evaluation of the partnership for democracy in respect of the Palestinian National Council

The report takes stock of the developments in Palestine and the implementation of commitments undertaken by the Palestinian National Council in October 2011, when it became the second parliament to be granted partner for democracy status with the Parliamentary Assembly.

It welcomes the fact that the Palestinian delegation to the Parliamentary Assembly makes full use of its possibilities to participate in the activities of the Assembly and concludes that the continuation of the partnership for democracy is in line with the wishes of all political factions and a broad representation of Palestinian civil society.

The report asks both the Council of Europe and the Palestinian National Council to step up efforts to fulfil the obligations both took upon themselves when becoming a partner for democracy and proposes to continue to review the implementation of such commitments and to make a new assessment of the partnership within two years.

Resolution

5. Internet and politics: the impact of new information and communication technology on democracy

The Internet now lies at the heart of democratic society, according to the Committee on Culture, Science, Education and Media. It has enabled citizen groups to mobilise and hold governments and politicians accountable as never before, expanding public participation in democratic processes. Social media, in particular, can reconnect citizens with their democratic institutions, whether parliaments or political parties, in new and dynamic ways.

On the other hand, fragmented web-based decision-making is not necessarily suited to complex policy-making, the committee points out. Replacing representative democracy with some form of "direct democracy" via Internet voting would bring the risk that small groups with greater resources could dictate final decisions without being known or required to account for them, wielding illegitimate power. The web can also facilitate abuse: it hosts intolerance and hatred, allows organised crime syndicates, terrorists and dictators to flourish, and enables the insidious monitoring of private life, not least – as recently revealed – unacceptable intrusion by State secret services.

The Internet belongs to everyone, and ways must be found to preserve its openness and neutrality while preventing it from becoming a gigantic prying mechanism, beyond all democratic control. Web-users and operators must be encouraged to regulate themselves, while parliaments should lead the way in ending the digital divide and setting new norms in areas such as "semantic polling", data-gathering, evaluating search algorithms and curbing Internet trolling. The ultimate aim will be to be find a model of Internet governance which ensures web freedom and guarantees online safety while respecting human rights, especially in countries where these are most under threat. To this end, the committee proposes that the Council of Europe begins work on a White Paper on "Democracy, politics and the Internet".

Recommendation
Resolution

6. Syrian refugees: how to organise and support international assistance?

Since the start of the conflict in Syria, 2.2 million Syrians, including 1.1 million children, have fled the country, while 6.8 million people in Syria need humanitarian aid and 4.25 million have been internally displaced.

In spite of the various appeals by the United Nations Special Rapporteur on the human rights of internally displaced persons and the Prime Minister of Turkey, and notwithstanding the aid provided by neighbouring countries and Council of Europe member States, the situation is steadily worsening and those affected by the conflict are continuing to suffer from lack of drinking water, food, clothing and decent housing.

Of particular concern is the extent to which women and children are suffering sexual and gender-based violence in some of the refugee camps.

States must, inter alia, show generosity and solidarity with Syria's neighbours so as to relieve the pressure on them, draw up a contingency plan for dealing with any further mass influx of Syrian refugees and take all necessary steps to provide vital resources.

Resolution

7. Migrants: ensuring they are a benefit for European host societies

All too often migrants are unfairly portrayed as being a burden on public finances, and threatening economic prosperity and social cohesion in host societies. Worryingly, this has led to an increasingly hostile environment and debate, and has also contributed to the rise of xenophobia and right-wing extremism.

The reality is in fact quite different and the overwhelming evidence suggests that migrants are a benefit to society. On the economic front, the OECD has clearly indicated that, overall, migration is not a major burden for the public purse.

Migrants fill labour shortages and often carry out low-paid, dangerous, insecure and difficult jobs shunned by many nationals. Without them, in certain countries, whole sectors of the economy would collapse (construction, tourism, agriculture, health care, home care, etc.). Furthermore, foreign students provide significant income for higher education which also contributes to host countries' economies.

Migrants also bring solutions to some of the demographic challenges facing Europe in terms of population decline, particularly of the labour force, and ageing. Furthermore, they are a source of cultural enrichment and dialogue through literature, film, art, sports, food and fashion.

Member States of the Council of Europe are invited to tackle misconceptions about migrants, in particular those propagated by certain politicians and the media. They are encouraged to promote the integration of migrants as a two-way process, in order to maximise the benefits that migrants can bring. They are also encouraged to ensure that their labour migration policies reflect market needs, but take into account that certain types of migration (carried out by asylum seekers, refugees and people seeking family reunion, for example) cannot be regulated in the same way.

Resolution

8. Integration tests: helping or hindering integration?

A growing number of Council of Europe member States have introduced integration tests for migrants, based primarily on knowledge of the language of the host country, but also sometimes on "citizenship" issues, including history, political institutions, society and democratic values

There is no doubt that an ability to master a language can contribute to successful integration. However there are serious concerns that some of these tests may in fact be hindering integration and leading to exclusion: pre-entry tests can be an obstacle to family reunification, while integration tests for migrants once in the host country can prevent them from enjoying secure residence rights, causing resentment in migrant communities and discrimination against certain groups, particularly people who may be illiterate or have low levels of education.

There are also concerns that the primary purpose – or at least a predictable consequence – of these tests is to cut down the number of migrants arriving or remaining in the countries concerned. If this is the case, they are a step backwards.

Member States should ensure that these tests are based on achievable attainment levels, that the tests and learning processes are financially supported, and that alternatives to testing are available (to reflect the fact that not everyone has the same linguistic capabilities or needs).

Furthermore, the Committee of Ministers should look at how to adapt the Council of Europe's benchmarks on language proficiency (the Common European Framework of References for Languages (CEFR)), used by member States in many of these tests, but which were never designed as an instrument for measuring integration.

Recommendation
Resolution

9. The functioning of democratic institutions in Ukraine

The Monitoring Committee expresses its deep concern about the political crisis that has ensued in Ukraine following the surprise decision of the Ukrainian authorities to suspend the procedure for the signing of an Association Agreement with the European Union. It strongly condemns the escalating violence by both sides at the Euromaidan protests, which has already resulted in at least three fatalities.

In this respect, the committee is concerned about both the violent provocations by far right-wing protesters, as well as the excessive and disproportionate use of violence by the police against protesters. The committee therefore calls on the authorities to refrain from any attempts to forcefully break up the protest rallies and camps and protesters to refrain from any violence or actions that are clearly aimed at provoking a violent reaction from the other side.

The committee regrets the adoption, in chaotic circumstances that undermine their legitimacy, of the so-called "anti-protest laws" package by the Verkhovna Rada on 16 January 2014 and their subsequent enactment by President Yanukovich on 18 January 2014, and calls for their immediate repeal.

The violence and human rights violations should be brought to an immediate halt and open and effective negotiations should be started to reach an agreement on a solution to the rapidly escalating crisis. In the view of the Monitoring Committee, such an agreement should be based on pledges by both sides not to use violence, the immediate repeal of the so-called anti-protest laws and the immediate start of an open, serious and effective dialogue between those in power and the political and civil forces united in the Euromaidan protests about the future democratic direction and geopolitical alignment of the country.

Recommendation

Resolution

10. Stepping up action against global inequalities: Europe's contribution to the Millennium Development Goals (MDG) process

Less than two years before reaching the target date for the Millennium Development Goals (MDG), it is clear that some goals are out of reach. Much more remains to be done all over the world to save the lives of young children and their mothers, to stop violence against women and children, to guarantee access to health care and to decent work, and to protect the environment.

Europe is part of the problem as well as part of the solution: if Europe lives up to its responsibilities, it can make a major impact on people's lives not just in Europe, but all over the world.

The Parliamentary Assembly should thus call upon member States to step up their efforts under the current MDG framework. Europe needs to foster democratic governance and institutions and to address the key obstacles to a more balanced global development by guaranteeing equal opportunities, protection and rights to women and girls in particular and the young more generally. Europe should take a strong stand and ensure that its voice be heard in global development processes, including in the design of the next set of global objectives beyond 2015.

resolution

11. Climate change: a framework for a global agreement in 2015

Climate change is a fact. As a largely man-made phenomenon it increasingly threatens human settlements and natural habitats, as well as economic stability, resources for development and, last but not least, human lives. Scientific experts warn that this process risks becoming unstoppable and irreversible if the international community fails to reduce greenhouse gas emissions effectively soon.

The Kyoto Protocol, which set the first targets on emissions reduction for industrialised countries, was extended to a second commitment period from 2013 to 2020. However, most major economies – and the biggest polluters – have not made any commitments yet. Whilst the clock is ticking and the cost of inaction is growing, the report urges countries to conclude an ambitious global agreement by 2015 at the latest.

The report proposes adopting a mixed "top down and bottom up" approach to reducing global emissions that would include – for the first time – formal recognition of national climate legislation in the legally binding part of the agreement. It advocates for intensified bilateral co-operation with key countries and stronger involvement of parliaments so as to advance national climate legislation, disseminate best practice, build capacity and promote common approaches.

[Resolution](#)

12. Energy diversification as a fundamental contribution to sustainable development

Clean, secure and affordable energy is key to sustainable development and the quality of life. Europe is in transition to a more balanced development model that better respects our planet's capacity. All stakeholders – public authorities, businesses and consumers – must contribute to optimising energy production, delivery and use to achieve this goal.

Energy consumption must be decoupled from economic and demographic growth. Energy needs must be reduced through energy efficiency. The cleanest and most abundant energy sources – notably the renewables – must be used more.

Strong measures must also be taken to protect public health and the environment in any exploration or exploitation of shale gas and oil. Research needs to be stepped up to develop cleaner alternatives to hydraulic fracturing. Moreover, stricter safety risk policies and long-term solutions for nuclear waste management are necessary. Finally, the report proposes action to eradicate energy poverty, to improve taxation, market regulation and network co-ordination, and to promote best practice in the field of energy technologies.

[Resolution](#)

13. Revision of the European Convention on Transfrontier Television

The European Convention on Transfrontier Television – which was the first multilateral treaty to ensure the unimpeded transmission of programmes across borders – is now 24 years old, having been revised only once around ten years ago. Originally intended to set minimum standards for programming, advertising and sponsorship, it has largely been overtaken by technological and societal changes. In European Union member States, it has also been superseded by a series of evolving European Union directives with the same aim. Indeed, plans for a further update to the convention were stopped in 2011 after objections from the European Commission that it alone had exclusive competence in this field as regards European Union member States.

And yet, as this report makes clear, 13 of the 33 Council of Europe States to have ratified the convention are not members of the European Union. In the current situation, these countries are prevented, in a constantly changing media environment, from having an updated legal instrument, with a consequent risk of diverging standards.

For the Committee on Legal Affairs and Human Rights, the way forward is for the Council of Europe to revise and modernise the convention so that it takes account of the latest technological standards. The European Union, for its part, should resume talks with the Council of Europe on this, in order to create a truly pan-European legal framework for media freedom issues.

Recommendation
Resolution

14. Accountability of international organisations for human rights violations

International organisations such as the United Nations, the World Bank and the European Union play an increasingly influential role on the global stage. Such organisations employ staff, administer territories, impose sanctions and engage in military operations, directly impacting the lives of individuals. Yet the mechanisms available to hold them accountable for alleged violations of their human rights obligations are relatively underdeveloped, and in some cases non-existent. Indeed, the few human rights accountability mechanisms that monitor the administration of territories, such as Kosovo* by the United Nations and the European Union, are non-binding, while those reviewing the imposition of targeted sanctions imposed by the United Nations Security Council can be overruled. Also, international organisations generally enjoy absolute immunity from suit in national courts, unless a waiver is provided.

A number of options have been proposed to increase the accountability of international organisations. These include holding States responsible for the actions of international organisations that they assist, contribute to, or of which they are members; limiting immunity where it is not essential for the organisation's functioning or in cases of severe human rights violations; increasing the availability of international legally binding fora in which the acts of international organisations can be challenged; improving their internal accountability mechanisms and subjecting them to independent judicial scrutiny, by ombudspersons or similar bodies, and encouraging international organisations to better scrutinise their own programmes prior to implementation in order to pre-emptively identify and address possible human rights concerns.

Recommendation
Resolution