



Aangenomen aanbevelingen en resoluties PACE 23-27 juni 2014 2014

1. Identities and diversity within intercultural societies

Individual and collective identities are rapidly evolving in today's Europe, partly as a result of cross-border migration which has increased ethnic diversity in most countries. As globalisation gathers pace, individuals are also travelling more widely and choosing to live and work abroad, while the Internet is also helping to break down cultural barriers. Growing numbers of individuals, but especially the young, enjoy "composite identities" that are no longer restricted to a "collective identity" related to a particular ethnic or religious group.

However, if not managed positively, cultural differences can lead to radicalisation, paralysing forms of conflict and even violence. The Committee on Culture, Science, Education and Media is alarmed by the rise of anti-democratic and xenophobic political parties in Europe and highlights the positive role of different cultures in the building of national identities and of a European identity. These ought to reflect contemporary realities of our increasingly intercultural societies and positively feature diversity, pluralism and respect for human rights and dignity.

Therefore, the committee calls for a radical change in political discourse and action so that new ways can be found to celebrate cultural diversity as a positive factor for innovation and development. States should make this a strategic long-term objective by developing a comprehensive "Intercultural Strategy" which focuses on awareness raising and public engagement, cohesion among stakeholders, countering racism, planning for diversity and building an intercultural economy.

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2. Integration of migrants in Europe: the need for a proactive, long-term and global policy

The Parliamentary Assembly notes that overall levels of integration of migrants remain unsatisfactory. Migrants continue to suffer economic and social inequality that leads to isolation and the growth of migrant ghettos.

Against this background and in order to ensure better integration of migrants, the Assembly underlines the need to return to comprehensive policies, to facilitate vocational training and recognition of diplomas and, if possible, to grant long-term residence permits.

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3. Parliamentary contribution to resolving the Western Sahara conflict

Underlining the need to continue negotiations under the auspices of the Secretary-General of the United Nations with a view to achieving a just, lasting and mutually acceptable political solution to the Western Sahara conflict, the Committee on Political Affairs and Democracy calls on all parties to show realism and a spirit of compromise in order to move the negotiations forward. It also encourages all member States of the Council of Europe to redouble and join their efforts in the search for a definitive political solution in order to establish lasting security and stability in the Sahel-Saharan region.

Despite the progress made by Morocco with regard to diverse questions relating to human rights and democracy, the committee is nevertheless concerned about a number of alleged human rights violations in Western Sahara, as well as the humanitarian situation in the Tindouf camps, and proposes a number of recommendations to be addressed to the Moroccan authorities and to representatives of the Polisario Front and Algeria.

In particular, the Parliament of Morocco should be invited to continue to develop a culture of human rights in Western Sahara and to be open to discussions with all representatives of Saharan civil society, as well as with the Polisario Front representatives based in the Tindouf camps, in order to develop mutual confidence and to facilitate negotiations.

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4. Towards a better European democracy: facing the challenges of a federal Europe

To regain the trust of the citizens, the main challenge the European Union seems to face today, beyond the management of the fiscal and economic crisis, is the need to advance in the process of democratisation. For this purpose, several alternatives are available, including that of a federal Europe empowered with a federal democracy.

Rather than constituting a model for an ever closer political union or a European State, federalism implies a process of balancing power in a differentiated political order which enables unity while guaranteeing diversity. A European federal democracy, therefore, would not mean more Europe and fewer nation States. It would imply a decentralised government with European competencies based on the will of the European citizens, enabling it to face transnational issues which could not be addressed effectively by a nation State alone.

All interested Europeans, European institutions and States, including both governments and parliaments are invited to consider the challenges of a European federal democracy and to evaluate ways to transform today's treaty-based European Union into a constitution-based European federal union. For its part, the Parliamentary Assembly, for historical reasons and in view of its functions and composition, could offer an inter-parliamentary public space for regular evaluations of "the state of European federal democracy".

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5. Violence in and through the media

The media play a major role in the daily life of modern societies. While it is difficult to prove a direct causality between the exposure of a person to a violent media service or product and a subsequent act of aggression or violence by that person, the general impact of media violence on the behaviour of individuals and societies as a whole cannot be denied.

Measures applied by public authorities against media violence need to be prescribed by law and justified in a democratic society. In this context, any incitement to violence through the media, as well as the production, public display, sale and possession of media with gratuitous violence which violates human dignity, shall be prohibited. Those who produce media in which violence plays a central part should be obliged to indicate publicly the type, level and quantity of violence of such media. Providers of media services or products should be required to provide hotlines or other public complaint mechanisms which can be contacted if difficulties are experienced with violent media content or violence through the media.



It is recommended that the Committee of Ministers instigate the preparation of practical guidance for parents, teachers and providers of media services and products on how to deal with the effects of media violence on individuals and society as a whole and how to counteract its potential impact.

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6. The large-scale arrival of mixed migratory flows on Italian shores

Since 2011 and the “Arab Spring”, a large number of migrants, including people with international protection needs, have reached Italian coastal areas. While the figures have dropped from the level of 62 695 people in 2011, they are starting to rise again, with increasing numbers of Syrians making their way to Italy.

Italy has shown itself, once again, ill-prepared for what appears to be a new surge of mixed migration flows, and appears to have learnt few, if any, lessons from its experiences in 2011.

The Italian authorities must develop a coherent policy to detect, identify, inform and register irregular migrants, asylum seekers and refugees and to send back individuals not in need of international protection. They also have to ensure that the conditions in reception and detention centres meet international standards. Furthermore, the Italian authorities need to ensure that people seek asylum in Italy, as their first country of arrival, in order to prevent asylum forum shopping elsewhere in Europe.

Member States of the Council of Europe are called upon to meet, without exception, their obligations of rescue at sea and to establish clear rules of engagement to ensure that those who are rescued at sea can seek asylum and are not caught up in bureaucratic wrangling over the appropriate destination for their disembarkation.

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7. The “left-to-die boat”: actions and reactions

The “left-to-die boat” tragedy which took place in March/April 2011 leaves many questions unanswered. The catalogue of failures in terms of co-operation, and defining and admitting responsibility in search and rescue operations in the Mediterranean has become an endless story. Meanwhile, more women, men and children are perishing or going missing at sea.

The report stresses that while important efforts by member States, Italy in particular, have been engaged towards saving more lives at sea, a number of concerns remain and lessons still need to be learnt and acted upon. European synergies should work towards a zero-tolerance approach to lives lost at sea by filling the gaps in the legal framework, policies and practices of rescue at sea and disembarkation.

The report identifies a number of concrete measures which should be taken by member States in order to prevent communication and responsibility gaps in rescue operations at sea in the future. Furthermore, the report encourages the creation of safe legal channels for migration and sharing the responsibility for asylum seekers within Europe.

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8. Evaluation of the implementation of the reform of the Parliamentary Assembly

In 2011, the Parliamentary Assembly implemented a wide-ranging reform following broad consultation involving all those concerned, and adopted measures aiming at improving the efficiency of its mode of operation, the coherence of its organisational structure and its means of action, strengthening its political relevance and credibility and the visibility of its action, generating greater participation of its members, and promoting better interaction between the Assembly and national parliaments.

The evaluation of the measures that have been implemented in the framework of the reform for over two years shows that they actually met the expectations of the members of the Assembly and the national delegations and have shown positive results. However, efforts should continue to be made, especially in order to maintain the interest of national parliaments – and also that of the media and European citizens – in the Assembly’s work, as there is a strong expectation among delegations that more should be done to exploit the Assembly’s strengths.

In the framework of the follow-up to the reform, it appears that some provisions of the Assembly’s Rules of Procedure need to be clarified, supplemented or re-



viewed in order to better correspond to parliamentary practice. In this regard, it is proposed to create a committee on the election of judges to the European Court of Human Rights.

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9. Challenges for the Council of Europe Development Bank

In these harsh economic times, alleviating social suffering is a major political priority – and duty – for Council of Europe member States. For this, many countries can count on the support of the Council of Europe Development Bank (CEB), a singular investor with a social vocation. The Bank as such has astutely steered through the bumpy economic environment and new regulatory constraints of recent years by adapting its orientations, structures and governance. It needs to persevere in the same direction, building on the shared sense of common purpose and ambition by its members.

The report encourages the Bank to keep strengthening its ties with the Council of Europe so as to maximise its impact and comparative advantage, notably in niche activities. Sectoral priorities (including the judiciary, public services, health care, social housing and asylum facilities) and non-European Union countries in South-East Europe require more fresh investment alongside projects to support employment. Parliamentarians, too, could play a more active role in promoting project initiatives in their countries.

Further recommendations to the CEB insist on the need for continued improvements in governance and project quality. They feature proposals for reaching consensus on various reform options and a timetable, co-operation with institutional partners and member States on project development, efforts to boost direct financing of projects and the Bank's visibility, as well as action to strengthen impact evaluation of projects in the field of employment.

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10. Europe's public administrations in flux: public service under threat?

The substantial public administration reforms introduced in most Council of Europe member States have had serious effects on the organisation, size and quality of public services. Large parts of the public sector have been privatised, public service tasks outsourced and agencies created to deliver public services outside the control of governments. Numerous European States appealed to private capital to supply or finance some public services and most of them enacted privatisation and deregulation policies in order to stimulate the market and to bring additional assets to State budgets. New Public Management was seen as the neces-



sary way to modernise public administration and make it more efficient, more effective and more profitable.

These reforms have been accelerated since the economic and financial crisis of 2008, in a context of budgetary constraints and crisis of the welfare State, and severe austerity measures put public administrations under ever more pressure: labour force reductions, wage cuts, a worsening employment situation.

Some of these reforms have been successful but others have had negative effects: they led to a fragmented public service, a loss of control of government over public services, a reduction in the quality of services, sometimes higher costs, thus contributing to a loss of the citizen's trust in democratic institutions.

A fundamental part of the European social models is affordable high-quality public services. Reflecting the deep concerns expressed by civil society about the future of the public service in Europe, the Parliamentary Assembly invites member States to place the interests of their citizens and Europe's common values at the heart of any administrative reform and to protect economic and social rights. It also advocates for the need to properly evaluate reform measures taken in the field of public administration and public services, and to consider whether these reforms are in line with the political concept of social cohesion which is at the heart of the Organisation's mission.

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11. Reinforcement of the independence of the European Court of Human Rights

The Committee on Legal Affairs and Human Rights has studied additional measures that can be taken in order to reinforce the independence of the European Court of Human Rights. Such measures include the need for member States which have not yet done so to ratify the Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe, to review arrangements relating to judges' social security and retirement pension schemes, as well as, where appropriate, for member States to ensure appropriate employment for former judges of the Court upon the expiration of their terms of office. The committee stresses that the independence and authority of the Court is contingent on the political will and commitment of all member States to ensure that the Court is provided with the financial means to effectively implement its human rights mandate.

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12. Child-friendly juvenile justice: from rhetoric to reality

Despite the panoply of international and regional standards providing a well-established framework for modelling juvenile justice, there is a considerable and continuing dissonance between the rhetoric of human rights discourse and the reality of juvenile justice interventions, in particular juvenile detention, for many children. Indeed, both the United Nations and the Council of Europe's monitoring bodies have identified a rather unsatisfactory situation with respect to the enforcement of human rights standards in the area of juvenile justice and detention.

There is a need to focus on the implementation of the relevant standards in order to respect children's rights and improve juvenile justice practices across Europe. A number of factors are key in this respect: preventing juvenile delinquency, averting young people from the penal system through a high minimum age of criminal responsibility and diversion measures, favouring the implementation of alternative non-custodial measures, as well as reducing the number of children in detention. Such policies are also less costly and more likely to ensure public safety and help young people to reach their potential.

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