

## Aangenomen aanbevelingen en resoluties PACE *11-15 april 2011*

### 1. **Water – a source of conflict**

Water is part of humankind's common heritage and a vital resource for human survival. However, it is also a limited, fragile resource, and one in six of the world's inhabitants still does not have access to water.

There are increasingly close links between water and security, to the point where water is becoming a military and political tool and a new weapon for terrorists, leading to acts of violence and conflicts which may threaten a state's political and social stability.

Governments must recognise that access to water is a fundamental human right and the rules of international water law should be revised.


States should also set up programmes of assistance and co-operation with countries which suffer from water shortages.

15/04/2011  Resolution 1809  
[Water – a source of conflict](#)

### 2. **The death penalty in Council of Europe member and observer states: a violation of human rights**

The Parliamentary Assembly is opposed to the death penalty in all circumstances. The European experience has shown conclusively that the death penalty is not needed to check violent crime. The United States of America and Japan, as observer states, and Belarus, which aspires to membership of the Council of Europe are invited to join the growing consensus among democratic countries that protect human rights and human dignity by abolishing the death penalty.

The report addresses a series of specific recommendations to the United States, Japan and Belarus aimed at promoting a moratorium on executions followed by definitive abolition of the death penalty.


14/04/2011  Resolution 1807  
[The death penalty in Council of Europe member and observer states: a violation of human rights](#)


### 3. **The large-scale arrival of irregular migrants, asylum seekers and refugees on Europe's southern shores**

Over 23 000 boat-people, mainly from Tunisia, have arrived on the tiny Italian island of Lampedusa. The first boats coming from Libya have now started to reach Malta and Italy. These numbers of arrivals are, however, insignificant compared to the 460 000 people who have fled from Libya to neighbouring countries, and thousands more are fleeing every day. Europe has to tackle the humanitarian issues arising from this wave of boat people, and give international protection to those in need. Many people will, however, have to be returned to their countries of origin if they do not have international protection needs.

Europe will also have to show more solidarity with the countries of North Africa, emerging or in crisis. Furthermore, Europe will also need to show more solidarity within its borders, in particular if countries such as Italy and Malta, and others, continue to receive large-scale arrivals from North African countries.

The report recognises that Europe will have to examine, as a priority, long-term solutions. These may be costly, but they are essential if Europe does not want to run the risk of having a number of unstable states on its southern maritime borders, with large populations of unemployed youth with little economic prospects or with substantial numbers of persons seeking international protection from ongoing conflicts.

14/04/2011  Recommendation 1967  
[The large-scale arrival of irregular migrants, asylum seekers and refugees on Europe's southern shores](#)

14/04/2011  Resolution 1805  
[The large-scale arrival of irregular migrants, asylum seekers and refugees on Europe's southern shores](#)


#### **4. Strengthening torture prevention mechanisms in Europe**

The Committee on Legal Affairs and Human Rights stresses the paramount importance of the prohibition of torture and inhuman and degrading treatment (Article 3 of the European Convention on Human Rights) and congratulates the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on the high quality of work undertaken for over twenty years. To carry out their difficult task, members of the CPT must possess high professional qualifications and personal merits. The election of CPT members by the Parliamentary Assembly would vest them with enhanced democratic legitimacy and authority. The public statements which the CPT adopts by a two-thirds majority in the event of a shortfall in co-operation by the authorities of a state party are of special importance due to their exceptional character. These infrequent cries of alarm should, as a matter of course, prompt a debate in the competent organs of the Council of Europe and within the member states concerned.

The principle of confidentiality of the CPT's work facilitates its close co-operation with national authorities. But the speedy systematic publication of final reports, following CPT visits, together with the authorities' comments, is to be strongly encouraged.

The committee regrets that the Optional Protocol to the United Nations Convention against Torture (OPCAT) has not yet been ratified by all Council of Europe member states. The national preventive mechanisms (NPMs) foreseen in the OPCAT constitute a major innovation in the direction of subsidiarity. NPMs should be fully independent and provided with adequate resources, including the legal, medical and other expertise crucial to the tasks of on-site prevention and monitoring. The committee welcomes the efforts made within the Council of Europe to create synergies between the CPT on the one hand and the OPCAT-based mechanisms on the other, and to pool their relevant experience.

14/04/2011  Recommendation 1968  
[Strengthening torture prevention mechanisms in Europe](#)

14/04/2011  Resolution 1808  
[Strengthening torture prevention mechanisms in Europe](#)

## 5. Rural women in Europe

Women are a driving force for the maintenance, conservation and development of rural areas, contributing to the agricultural workforce and the preservation of traditions in the face of a constant process of depopulation.


Unfortunately, rural women are confronted with major challenges in the achievement of gender equality, face discrimination in the enjoyment of their rights and are particularly vulnerable to violence. This situation might be aggravated by the combined effect of globalisation and the financial and economic crisis.

The member states of the Council of Europe should devise legal measures and policy specifically focusing on rural women and incorporate a gender-sensitive approach in the elaboration and implementation of policies having an impact on their situation.

14/04/2011  Resolution 1806  
[Rural women in Europe](#)

## 6. The honouring of obligations and commitments by Georgia

The Monitoring Committee considers that the Georgian authorities have continued to make significant progress in honouring their obligations and remaining commitments to the Council of Europe, despite the significant impact and the consequences of the war with Russia in 2008. However, despite this progress, the Committee recommends that the Parliamentary Assembly continues its monitoring procedure in respect of Georgia pending further progress on the issues highlighted in the draft resolution.

13/04/2011  Resolution 1801  
[The honouring of obligations and commitments by Georgia](#)


## 7. The need to assess progress in the implementation of the Bern Convention

On the occasion of the International Year of Biodiversity 2010 and the United Nations Decade for Biodiversity 2011-2020, the Parliamentary Assembly refers to the wider legal framework in the field of nature conservation and biodiversity and calls for the assessment of progress in the implementation of the Council of Europe Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention). This convention is the first comprehensive legal instrument for pan-European nature conservation and remains the keystone treaty for biodiversity within the Council of Europe framework.

Environmental degradation, depletion of biological diversity and alteration of ecosystems affect directly and indirectly a range of fundamental human rights defined by the Universal Declaration of Human Rights and by the European Convention on Human Rights, namely the right to life, to access to food and water, to health, to adequate housing, and to property and land use.

The Committee of Ministers is invited to make the Bern Convention and the work of its expert bodies more visible internationally and ensure that it is regarded as one of the priorities of the Council of Europe.

13/04/2011  Recommendation 1964  
[The need to assess progress in the implementation of the Bern Convention](#)

13/04/2011  Resolution 1802  
[The need to assess progress in the implementation of the Bern Convention](#)

## 8. Education against violence at school

Too many schools in Europe continue to be confronted with very serious acts of violence. Incidents include attacks by pupils with or without weapons, bullying and harassment among pupils, sexual violence, acts of hostility and even aggression against teachers by pupils, as well as the use of violence by teachers against pupils. In this respect, it is of utmost importance to address violence as early as possible during school life and to introduce and further develop education against violence at school. It is necessary to take action at different levels and involve all key players, in particular families, teachers and pupils.

To this end, the Parliamentary Assembly wishes to encourage the design and effective implementation of proactive educational policies against violence at school and in society in general, based on a coherent set of guiding principles.

13/04/2011  Recommendation 1965  
[Education against violence at school](#)


13/04/2011  Resolution 1803  
[Education against violence at school](#)


## 9. Safeguarding children and young people from obesity and type 2 diabetes

There has been a dramatic increase in obesity and type 2 diabetes affecting children and young people in the last decade. These life-shortening conditions – which can lead to other illnesses and which negatively affect sufferers' quality of life – also place a considerable burden on health-care systems. Member states need to respond urgently to this public health crisis.

It is essential to focus on the causes and to ensure that the rights of children and young people to health and a healthy environment are fully respected. In particular, measures need to be taken to promote healthy nutritional habits and a healthy lifestyle (in the family, at school and in the community), as well as a healthy (natural and built) environment.

In addition, governments should make sure that children and young people at risk of obesity and/or of various complications linked to this condition have genuine access to medical advice and suitable care and treatment.

13/04/2011  Recommendation 1966  
[Safeguarding children and young people from obesity and type 2 diabetes](#)

13/04/2011  Resolution 1804  
[Safeguarding children and young people from obesity and type 2 diabetes](#)

## 10. Combating poverty

The recent increase in poverty, associated with an attendant increase in social exclusion, poses a threat to the full enjoyment of fundamental human rights by an increasingly large part of the population, as well as to the social cohesion of our societies.

A substantial review of public policy aimed at combating poverty has thus become an urgent need. Member states are invited to commit to end child poverty and absolute poverty in Europe by 2025. Poverty reduction strategies should be based on principles of human rights, ensuring, in particular, access to and full enjoyment of social rights by people who experience poverty.

The international human rights protection mechanisms, including the Council of Europe social rights protection instruments – such as the European Social Charter (revised) – and the Office of the United Nations High Commissioner for Human Rights (UNHCHR) Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies, should provide the basis for action in member states. The effectiveness of measures taken to combat poverty and social exclusion should be regularly monitored to ensure that member states' strategies and actions meet the needs of people experiencing poverty, prevent people from falling into poverty and assist those who are in poverty to recover.

12/04/2011  Resolution 1800  
[Combating poverty](#)

12/04/2011  Recommendation 1963  
[Combating poverty](#)

## 11. The religious dimension of intercultural dialogue

The cultural diversity characteristic of European societies has become a source of tension and divisions which disrupt social cohesion. The Committee on Culture, Science and Education considers that it is time to create a new culture of living together on the basis of the assertion of everyone's equal dignity and of wholehearted adherence to the principles of democracy and human rights.

This report proposes building on what unites us rather than emphasising what separates us, and underlines the importance of the religious dimension of intercultural dialogue for the promotion of the values that make up the common core of any democratic society. The report points out the importance of education systems in fostering mutual understanding and learning of these values; it calls for enhanced dialogue at local and regional levels and for dynamic collaboration between public institutions, religious communities and groups that espouse a non-religious perception.

On the basis of the findings of the report, the committee proposes: the promotion of a partnership for democracy and human rights between the Council of Europe, the religious faiths and the main humanist organisations; the establishment, to this end, of a stable platform for dialogue, seeking to encourage the active involvement of all stakeholders in action to promote the fundamental values of the Organisation; to associate the European Union and invite the Alliance of Civilizations and, if appropriate, other partners to contribute.

12/04/2011  Recommendation 1962  
[The religious dimension of intercultural dialogue](#)

## 12. Over-indebtedness of states: a danger for democracy and human rights

Public debt of European states has increased dramatically over the last few years and is still growing, with a risk of becoming unsustainable. In most western European countries, sovereign debt has exceeded a threshold fixed in the Stability and Growth Pact (that is 60% of GDP) and weighs heavily on development prospects. The very foundations of European economic structures are threatened and the quality of life of European citizens is eroding rapidly.

The report stresses the need to repair the system of economic and political governance that has failed to assess risk correctly and to perform responsibly in boom years. The major difficulties that the states at the hard core of European integration are facing should trigger a more concerted action in terms of political and economic governance. The states must exercise their role fully as key regulators and guarantors of the rule of law which underpins democracy, fundamental rights and a sound functioning of market economy.

Expressing concern over shortcomings in transparency and accountability by governments on the public debt situation, the report pleads for closer interaction and information exchange between national parliaments, governments and the Bretton Woods institutions, in particular when the latter's assistance is sought. Finally, it calls on the governments of member states to elaborate graduated strategies for public debt stabilisation and subsequent reduction, whilst spreading the effects of austerity measures fairly across the population and sparing vulnerable groups the weight of adjustments.

11/04/2011



Recommendation 1961

[Over-indebtedness of states: a danger for democracy and human rights](#)

### **13. Unaccompanied children in Europe: issues of arrival, stay and return**


Statistics are patchy, but it is thought there may be up to 100 000 unaccompanied migrant children in Europe, predominantly boys aged 14 to 17. They come for multiple and complex reasons, but escaping war, violence or extreme poverty ranks high. However, it is clear that once they are in Europe their treatment varies from country to country. In many cases – despite the commitments made by all Council of Europe member states including under the United Nations Convention on the Rights of the Child – they face abuse and neglect, or become victims of trafficking and other criminal networks.

According to the Committee on Migration, Refugees and Population, protecting these children should be the starting point for European policies, rather than immigration control, with the overriding emphasis on acting in the child's best interests. No unaccompanied child should be refused entry at a border or summarily deported; they should immediately be provided with an independent legal guardian and given special assistance commensurate with their age. They should never be held in detention, but should receive appropriate care, preferably foster care. If put up in a centre, they should be accommodated separately from adults. Age assessments should be made sparingly, and the young person given the benefit of the doubt in cases of uncertainty.

Finding a durable solution for the future should be the ultimate aim from first contact, including family tracing, if the child requests it. Such a solution might be integration into the host country, family reunification in a third country, or return and reintegration in the country of origin. An individual "life project" should be drawn up for each child – as recommended in 2007 by the Committee of Ministers – and the child should be granted legal residence until this is fulfilled. These children should receive access to the same education, training and health care as nationals. If return is foreseen, it should only be if this is in the best interest of the child, when secure care arrangements are known in advance – especially if no parents or extended family have been identified.

The committee proposes a set of 15 common principles for member states to apply when handling unaccompanied migrant children. For its part, the Committee of Ministers should set up a working group to establish guiding principles for member states based on these principles.

15/04/2011  Resolution 1810  
[Unaccompanied children in Europe: issues of arrival, stay and return](#)

15/04/2011  Recommendation 1969  
[Unaccompanied children in Europe: issues of arrival, stay and return](#)

#### **14. Protecting migrant women in the labour market**


According to United Nations estimates, just over half of the 69 million migrants in Europe are women. Whereas in the past women mostly accompanied their spouses and family abroad, today the feminisation of poverty pushes increasing numbers of women to migrate independently, mostly to support their families but also for personal empowerment.

The Committee on Migration, Refugees and Population regrets that the contribution of migrant women to their host societies is still largely undervalued. These women tend to find work in traditional women's roles such as domestic work, childminding, health care or hotels and catering, where they work long hours for low pay and are sometimes severely exploited, especially if they have no papers. In the worst cases, they have no benefits, little recourse to justice and may even face abuse or violence from unscrupulous employers.

The current economic austerity measures and cuts in funding risk having a further long-term negative impact on the employment of migrant women, their access to rights and services and their integration in general. The committee therefore pleads for enhancing the protection of migrant women by boosting legal migration opportunities and developing gender-sensitive policies that promote equality. More information should be made available in countries of origin, to help women avoid the dangers of trafficking and target appropriate jobs. Women who join their spouses through family reunion should be granted an individual legal status and be authorised to seek work.

Finally, states should combat exploitation in the labour market by regulating the riskier sectors such as health care or domestic work, with strong sanctions against employers or agencies which break the rules. Domestic and care workers, in particular, should get clearly-defined labour rights and protection, as well as visa schemes allowing them to enter legally to carry out this kind of work.

15/04/2011  Resolution 1811  
[Protecting migrant women in the labour market](#)

15/04/2011  Recommendation 1970  
[Protecting migrant women in the labour market](#)