



Aangenomen aanbevelingen en resoluties PACE

4-8 oktober 2010

1. Child abuse in institutions: ensure full protection of the victims

Several member states have recently been confronted with cases of sexual, physical and emotional child abuse which were reported concerning various institutions, including residential facilities, public and private schools and other institutional settings, such as youth associations. Based on an analysis of what are the main facilitating factors for such abuse and responses to be given, the Parliamentary Assembly should urge member states to take more committed action to protect children from such mistreatment in the future. It also emphasises the importance of according full justice to victims of past offences and of supporting children affected by recent abuse.

The protection of children and adolescents can only be ensured in an efficient manner if action is taken at legislative, administrative and political level. Through the Committee of Ministers as an intermediary, those member states which have not yet done so should be invited to ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and to support the Pan-European campaign to stop sexual violence against children to be launched in Rome on 29-30 November 2010. The Assembly should invite the Committee of Ministers to report back to it by January 2013 on measures implemented and results achieved.

05/10/2010



Recommendation 1934

[Child abuse in institutions: ensure full protection of the victims](#)

2. Children without parental care: urgent need for action (*rapporteur Pieter Omzigt, Tweede Kamer*)

The Parliamentary Assembly notes with satisfaction that much progress has been made in Council of Europe member states over past decades with regard to children's rights and well-being. However, in a globalised context and notably in the current times of economic crisis, an increasing number of children are facing 'new risks', such as becoming victims of child trafficking or being left behind by migrant parents.

Whenever the separation of children from their original family cannot be prevented, alternative care arrangements should always be in the best interests of the child, ideally in settings which are the closest possible to a family environment, such as foster care. Further efforts in this respect should be made through the implementation of committed programmes in favour of the 'de-institutionalisation' of child-care arrangements. These should follow a comprehensive approach, including preventing children being separated from their original family, transferring children from residential care to more personalised care arrangements and developing family-type care arrangements within existing institutional systems.

07/10/2010



Resolution 1762

[Children without parental care: urgent need for action](#)

07/10/2010



Recommendation 1939

[Children without parental care: urgent need for action](#)



3. Human rights and business

With globalisation, large multinational companies have faced charges that they are violating human rights, especially in developing countries: child labour in the textile industry, environmental disasters caused by the oil industry, or breaches of the right to privacy by telecommunication companies are all recent examples. Yet such alleged abuses often take place outside Europe, and bringing them before European courts is usually difficult.

Council of Europe member states should start by investing ethically, refusing to work with corporations associated with abuses, and insist that firms fully respect human rights standards when they carry out government contracts – especially if the work involves classic state functions which have been “privatised”, such as law enforcement or military activities. More generally, they should introduce laws to protect individuals from corporate abuses of human rights enshrined in the European Convention on Human Rights.

The Committee of Ministers, for its part, could prepare studies – and eventually a recommendation to Europe’s governments – on corporate responsibility in the area of human rights. It could even set up a system for assessing the social responsibility of businesses, leading to a Council of Europe “label” for the best. In the meantime, the Council of Europe should co-operate with other international organisations already working in this field, and develop partnerships with the business community to promote its standards.

06/10/2010  Resolution 1757
[Human rights and business](#)

06/10/2010  Recommendation 1936
[Human rights and business](#)

4. The strategy, governance and functioning of the Council of Europe Development Bank (*rapporteur Tuur Elzinga, Eerste Kamer*)

Against the backdrop of economic crisis, the importance of international co-operation and the role played by multilateral development banks has come to the fore. The Council of Europe Development Bank (CEB) is a unique instrument of its forty member states for promoting socio-economic cohesion and solidarity in European society. The report highlights the link between the Bank’s activities and Council of Europe values and pleads for this bond to be further strengthened as the two institutions seek to reform their functioning.

The report notes that the social needs of the Bank’s target group of countries in central, eastern and south-eastern Europe have risen dramatically, whereas borrowing opportunities have diminished or become very onerous. To be able to shift more of its funds towards the most vulnerable countries, some inside, most outside the European Union and to maintain sound risk management, the CEB needs a substantial capital increase. There is also room for an increased use of co-operation agreements with international partners in order to share costs, practices, competences, experience and risks.



Taking stock of the CEB's work over the 2007-2009 period, current reform efforts and future challenges, the report underscores the Bank's huge potential which could be better tapped if its members can show the vision and ambition to make it an even more relevant, focused, visible and significant player on the European scene. A series of specific recommendations are put forward in this report towards that end.

06/10/2010  Recommendation 1937
[The strategy, governance and functioning of the Council of Europe Development Bank](#)

5. The right to conscientious objection in lawful medical care

The practice of conscientious objection arises in the field of health care when healthcare providers refuse to provide certain health services based on religious, moral or philosophical objections. While recognising the right of an individual to conscientiously object to performing a certain medical procedure, the Social, Health and Family Affairs Committee is deeply concerned about the increasing and largely unregulated occurrence of this practice, especially in the field of reproductive health care, in many Council of Europe member states.

There is a need to balance the right of conscientious objection of an individual not to perform a certain medical procedure with the responsibility of the profession and the right of each patient to access lawful medical care in a timely manner. The Parliamentary Assembly should thus invite member states to develop comprehensive and clear regulations that define and regulate conscientious objection with regard to health and medical services, including reproductive health services, as well as to provide oversight and monitoring, including an effective complaint mechanism, of the practice of conscientious objection.

The Assembly should also recommend that the Committee of Ministers instruct the competent Steering Committees and/or other competent Council of Europe bodies to assist member states in the development of such regulations and the setting up of such oversight and monitoring mechanisms.

07/10/2010  Resolution 1763
[The right to conscientious objection in lawful medical care](#)



6. The activities of the European Bank for Reconstruction and Development (EBRD) in 2009: facilitating economic integration in Europe

After nearly 20 years of steady growth in economic prosperity and improvements to democratic processes across central and eastern Europe, the year 2009 put to test progress in development achieved so far and solidarity among European states. With the global financial crisis in full swing, many countries have experienced a sharp economic downturn leading to soaring unemployment, shrinking state revenue and household income, an erosion of budget discipline and questions about the solidity of macroeconomic fundamentals. It is reassuring that the response of the population has so far been moderate and that domestic political stability and structural reform efforts have not been adversely affected. The year 2009 represented a serious challenge to European development institutions – including the European Bank for Reconstruction and Development (EBRD) – as they responded to the crisis. If, in earlier years, some of the EBRD's shareholders believed that the Bank's mission of supporting transition to open and democratic market economies had been largely accomplished, the turn of events thereafter proved the contrary. The EBRD acted swiftly and effectively despite major uncertainties over the state of affairs in central and eastern Europe. The Bank's investments in 2009 were unprecedented in scale and were targeted at the countries suffering most from the crisis, thus helping to stabilise the macroeconomic situation and reassure both domestic and international investors. This report examines the causes and effects of the crisis in the eastern parts of the continent, the lessons learnt and the implications for future action at European level, in particular through institutions such as the EBRD. It urges Council of Europe member states to embrace the broad policy conclusions drawn from the crisis with a view to tackling inherent economic vulnerabilities and imbalances to achieve balanced and sustainable growth.

06/10/2010  Resolution 1759
[The activities of the European Bank for Reconstruction and Development \(EBRD\) in 2009: facilitating economic integration in Europe](#)

7. Fight against extremism: achievements, deficiencies and failures

In recent years, Europe has witnessed an upsurge of certain forms of extremism, such as Islamic fundamentalism, racism and xenophobia, and separatism. In so far as they promote or are prepared to condone violence, groups inspired by these ideologies act in contravention with Europe's democratic and human rights values.

The response of Council of Europe member states should strictly comply with obligations stemming from their membership in the Organisation. More ethics in politics would help reduce racist tendencies in society.

05/10/2010  Resolution 1754
[Fight against extremism: achievements, deficiencies and failures](#)

05/10/2010  Recommendation 1933
[Fight against extremism: achievements, deficiencies and failures](#)



8. **Guaranteeing the right to education for children with illnesses or disabilities**

In spite of existing legislation, children with disabilities often lack sufficient government and social support for their full integration into society. This also applies to education systems, where professionals and administrators are not always certain how to guarantee the right of children with disabilities to education or how to cater for their individual needs successfully and efficiently.

In this regard, the committee supports the approaches of inclusive education as it guarantees the right to education for all children regardless of their physical, intellectual, emotional, cultural or other conditions. Moreover, a diverse population of children and young people being educated in the same school is bound to create an increased degree of tolerance and will contribute to a growing acceptance of difference in society.

Inclusive education should be the responsibility of all and must be seen as an important step towards the development of an inclusive society for all. It will only be achieved by partnerships, networking and joint learning by all stakeholders.

07/10/2010  Resolution 1761
[Guaranteeing the right to education for children with illnesses or disabilities](#)

07/10/2010  Recommendation 1938
[Guaranteeing the right to education for children with illnesses or disabilities](#)

9. **The need to avoid duplication of the work of the Council of Europe by the European Union Agency for Fundamental Rights**

Since the creation of the European Union Agency for Fundamental Rights in 2007, there has been concern within the Council of Europe about unnecessary duplication by the Agency of the Council's work.

Since 2007, circumstances have changed and, following the entry into force of the European Union Lisbon Treaty, European Union competence in the field of human rights has further expanded. It is therefore now time to take stock of co-operation undertaken between the Agency and Council of Europe, according to the Committee of Legal Affairs and Human Rights. The Agency and the Council of Europe have established appropriate forms of co-operation and consult each other in their daily work. Although both institutions may sometimes work on the same or similar issues, they use different tools in carrying out their respective activities. The Agency's data collection and evidence-based analyses may complement the work undertaken by the Council of Europe's monitoring bodies.



The Committee welcomes this co-operation. It underlines the need for the European Union to accede to the European Convention on Human Rights without delay and for the Agency to retain – in its work – the Council of Europe's *acquis* in the human rights field as its main point of reference.

05/10/2010  Resolution 1756
[The need to avoid duplication of the work of the Council of Europe by the European Union Agency for Fundamental Rights](#)

05/10/2010  Recommendation 1935
[The need to avoid duplication of the work of the Council of Europe by the European Union Agency for Fundamental Rights](#)

10. The functioning of democratic institutions in Ukraine

The Monitoring Committee welcomes the increase in legislative activity in Ukraine in the wake of the 2010 Presidential election, and especially the priority given by the new authorities to honouring Ukraine's remaining accession commitments. However, the committee is concerned that the current relative stability is fragile, as the underlying systemic causes of the instability that has plagued the country in recent years have not been addressed. Moreover, it is concerned that the hasty manner in which the authorities are implementing the reforms could negatively affect respect for proper democratic principles and, ultimately, the quality of the reforms themselves.

In support of the efforts of the authorities to honour Ukraine's remaining accession commitments, the committee has outlined a series of recommendations for the reforms, which in its view are crucial to ensure that the reforms will meet European standards and principles. In that respect, the committee stressed that it will not be possible for Ukraine to implement the reforms necessary for the country to fulfil its accession commitments without first reforming the constitution. It therefore calls upon the authorities and opposition to jointly implement a constitutional reform package that addresses the current constitutional shortcomings.

Lastly, the committee expresses its concern about the increasing number of allegations that democratic freedoms, such as freedom of assembly, freedom of expression and freedom of the media, have come under pressure in recent months. It therefore calls upon the authorities to investigate all allegations of infringements of rights and freedoms and remedy any violations found, and stresses that any regression in the respect for or protection of democratic freedoms and rights would be unacceptable.

05/10/2010  Resolution 1755
[The functioning of democratic institutions in Ukraine](#)



11. Recent rise in national security discourse in Europe: the case of Roma

The report details the rise in use of anti-Roma rhetoric, associating Roma with crime and trafficking over recent months. At the same time, there has been a toughening of security policies and measures directly targeting the Roma, such as the dismantling of their settlements and waves of repatriation of Roma migrants to their countries of origin.

Faced with a surge in criminality, authorities in many Council of Europe member states feel obliged to strengthen policies aimed at protecting public order and personal security of all people within their territory. The report stresses, however, that a clear distinction must be made in political discourse between individuals who have committed crimes and entire groups of people, such as Roma or any other minority or migrant group. Politicians have a special responsibility to eliminate negative stereotyping or stigmatising of any minority or migrant group from political discourse. They should promote a message of non-discrimination, tolerance and respect for people from different backgrounds.

The Political Affairs Committee welcomes and supports the Secretary General's initiative to convene a high-level meeting to agree measures to improve the situation of Roma throughout Europe and invites him to inform the Parliamentary Assembly about the outcome of it at the earliest opportunity. It proposes to continue to monitor carefully the situation of Roma in Europe, in the light also of the outcome of this event

07/10/2010



Resolution 1760

[Recent rise in national security discourse in Europe: the case of Roma](#)

12. The activities of the Organisation for Economic Co-operation and Development (OECD) in 2009-2010

The report is distributed in conformity with the Rules of Procedure for enlarged debates of the Assembly on the activities of the OECD.

06/10/2010



Resolution 1758

[The activities of the Organisation for Economic Co-operation and Development \(OECD\) in 2009-2010](#)



13. National procedures for the selection of candidates for the European Court of Human Rights

It is the Parliamentary Assembly's task, by virtue of Article 22 of the European Convention on Human Rights, to elect judges of the highest calibre to the European Court of Human Rights from a list of three candidates nominated by states parties. In order to be able to choose between candidates with the necessary standing and authority, the Legal Affairs and Human Rights Committee reiterates the Assembly's call that national selection procedures must be rigorous, consistent, fair and transparent. Seen from this perspective, the committee welcomes the recent initiative of the President of the Court to set up a panel to advise governments before lists of candidates are transmitted to the Assembly.

08/10/2010  Resolution 1764
[National procedures for the selection of candidates for the European Court of Human Rights](#)

14. Gender-related claims for asylum

Persecution experienced by women often differs from that experienced by men, but the asylum system still tends to regard it through a lens of male experiences. Gender-related persecution may give rise to claims for international protection. However, states do not always take it into proper account. To this must be added inappropriate interview settings, the use of irrelevant country of origin information and lack of training of officials. Although member states are stepping up their work in order to streamline a gender understanding into public decision-making, policy and operations, this effort is not always reflected in the asylum procedure. Certain forms of harm (gender-based forms of harm or violence) are more frequently or only used against women or affect women in a manner that is different from men. These include, *inter alia*, sexual violence, societal and legal discrimination, forced prostitution, trafficking of human beings, refusal of access to contraception, bride burning, forced marriage, forced sterilisation, forced abortion and (forced) female genital mutilation and enforced nakedness/sexual humiliation.

A woman may be persecuted because of her gender (gender-related persecution), for example where she refuses or fails to comply with social, religious or cultural behaviour expected from a woman (floggings for refusing to use a veil, female genital mutilation, honour killings of adulterous women, etc.) The Parliamentary Assembly is invited to call upon member states to ensure that gender-based violence and gender-related persecution is appropriately taken into account in any asylum determination process. They are also called upon to set up their asylum system in such a way as to ensure gender sensitivity. The Assembly also calls on the Committee of Ministers to, *inter alia*, instruct the appropriate inter-governmental body in the Council of Europe to carry out a study on the approach of member states to gender-related claims in the asylum process and provide them with guidelines.

08/10/2010  Resolution 1765
[Gender-related claims for asylum](#)



08/10/2010



Recommendation 1940

[Gender-related claims for asylum](#)

15. Fostering the socio-economic potential of the Baltic Sea region

The report presents an overview of the socio-economic development trends and co-operation in the Baltic Sea region. Building on fruitful regional exchanges aimed at tackling environmental problems, educational issues and economic challenges, the region's countries now need to rethink their strategic development orientations in the light of the changing global context and the ongoing economic crisis which revealed multiple national vulnerabilities. The launching of the European Union Strategy for the Baltic Sea in 2009 offers a strong impetus for projects in favour of environmental sustainability enhanced competitiveness through small and medium sized enterprises and innovation, improved regional interconnections and better risk prevention strategies. It is important that the national parliaments and regional parliamentary assemblies in the area should play a major role in preparing relevant projects and overseeing their implementation. The report also highlights the importance of close and constructive dialogue with the Russian Federation, in particular as regards the Kaliningrad region, and with neighbouring Belarus with a view to supporting grassroots entrepreneurship and democracy building. It urges the region's countries to show more solidarity in working out joint participation mechanisms for the generation and realisation of projects driven by their shared interests, notably with regard to energy supply, labour mobility, cross-sector partnerships and the pooling of know-how.

08/10/2010



Resolution 1766

[Fostering the socio-economic potential of the Baltic Sea region](#)