

Nyt fra E u r o p a r å d e t

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Council of Europe statement on the presidential elections in Ukraine

Warsaw, 23.11.2004 – The Chairman of the Council of Europe’s Committee of Ministers Włodzimierz Cimoszewicz, the President of the Parliamentary Assembly Peter Schieder and the Secretary General Terry Davis express their deep concern about the irregularities observed during the presidential elections in Ukraine. These irregularities have increased significantly in the second round as confirmed by numerous independent observers and increased considerably the risk of a serious political crisis in Ukraine because many Ukrainians do not accept the results announced by the Ukrainian Central Electoral Commission.

The Council of Europe also expresses its appreciation of the maturity which Ukrainians have demonstrated during the first and second rounds of the presidential elections - a maturity confirmed by the high turnout. Ukrainian society has clearly proved its attachment to the principles of democracy.

The Council of Europe appeals to all political forces in Ukraine to refrain from using force in this crisis situation.

The Council of Europe also stresses that there is a need to observe the constitutional norms, to make, together with the OSCE, a common review of the elections and to announce the honest result of the elections. A failure to observe the principles of democracy will be met by clear opposition of the international public opinion and the majority of the Ukrainian society. This will engulf the country in a political and social crisis and will also distance Ukraine from the path towards European values and principles.

Second round of Ukrainian election failed to address election irregularities and lacked transparency

KYIV, 22 November 2004 - The second round of the presidential election in Ukraine on 21 November did not meet a considerable number of OSCE commitments, Council of Europe and other European standards for democratic elections. As in the first round, state executive authorities and the Central Election Commission displayed a lack of will to conduct a genuine democratic election process, concluded the International Election Observation Mission in a preliminary statement released today.

Between the two rounds, the Mission reported cases of public sector employees and students being pressured to support the current Prime Minister, Mr. Viktor Yanukovyich. Nevertheless, a vibrant civil society demonstrated once again a high level of interest and engagement. Despite serious shortcomings in the process the second round of the election offered voters a choice, although campaign conditions were not equal.

“With a even heavier heart than three weeks ago, I have to repeat the message from the first round; this election did not meet a considerable number of international standards for democratic elections,” said Mr. Bruce George, President emeritus of the OSCE Parliamentary Assembly and the Special Co-ordinator for the short-term observers. “The deficiencies have not been addressed. The abuse of state resources in favor of the Prime Minister continued as well as an overwhelming media bias in his favor.”

The Head of the delegation from the Parliamentary Assembly of the Council of Europe, Mr. Doros Christodoulides, said: “There were some encouraging aspects which we did not see in the first round, such as a televised debate of the main candidates on state TV and redress, even if only partial, to the imbalanced

media coverage. But we are greatly disappointed by the inflammatory campaign language, which increased prior to the second round.”

On election day, voting was conducted in a generally calm manner. However observers assessed election day less favourably than in the first round, particularly in the central and eastern regions.

Observers noted more serious violations, including some isolated incidents of violence, and a pattern of intimidation, including directed towards observers, polling commission members and individual voters. In a significant number of polling stations, commission members had been dismissed. In some instances, unauthorized persons were interfering in or directing the process, or otherwise attempting to influence voters.

The observers’ assessment of the ballot counting process was worse than on 31 October, including poorer overall organisation, and more questions raised about the accuracy of results reported. Problems included lack of sufficient attention to ballot security and counting procedures. In almost 40% of polling stations unauthorized persons were present including police and local government officials.

The IEOM included 563 observers from the OSCE’s Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the European Parliament, and the NATO Parliamentary Assembly. A final report will be released approximately six weeks after the completion of the electoral process.

Protocol No. 14 to the European Convention on Human Rights: Signature and ratification ceremony

Strasbourg, 10.11.2004 - On the occasion of the handover of the Chairmanship of the Committee of Ministers from Norway to Poland, the Committee of Ministers of the Council of Europe has organised a “Treaty event” for signature and ratification of Protocol No. 14 to the European Convention of Human Rights (ECHR), with a view to encouraging its ratification and accelerating its entry into force. Today, ten countries signed and four ratified it (*) - an extremely positive sign that the ratification process is now well under way.

This means that as of today 35 Council of Europe member states have signed the Protocol, five of them having also ratified it. Protocol No. 14 to the ECHR ([CETS No. 194](#)), which amends the control system of the Convention, was adopted and opened for signature at the Committee of Ministers’ May Session in Strasbourg.

“It is totally unacceptable that people have to wait up to five years or more to have their cases heard and justice served, and the need for urgent action to remedy the situation is clear today as never before. A speedy entry into force of Protocol No. 14 to the Convention is a very important step forward,” said Council of Europe Secretary General Terry Davis during the “Treaty event”.

“Protocol No.14 contains quite a number of valuable elements which, beyond the short-term significance of some of them as instruments designed to help reduce the Court's backlog, also represent real progress in adapting the system to the changing European society, thus bringing it to maturity”, said European Court of Human Rights President Luzius Wildhaber. “Besides the single-judge formation, the extended competence of the Committees of three judges, the joint examination of admissibility and merits of applications and the “significant disadvantage” as new admissibility criterion, which are in the first place meant to help streamline the Strasbourg procedure, innovations like the judges’ single term of office, the new role for the Commissioner for Human Rights or the action for failure to fulfil obligations are major steps towards an increased transparency and credibility of the whole Strasbourg system.”

“Over the years the Court has done a remarkable job in affirming the rule of law and enhancing the international human rights standards. Because of its authority the value of its decisions and opinions extends beyond Europe making it a body of truly universal significance. The Protocol aims also at increasing the

effectiveness of the judgements of the Court,” said Polish Foreign Affairs Minister Włodzimierz Cimoszewicz.

Kim Traavik, Deputy Minister for Foreign Affairs of Norway, emphasised that: “the member states of the Council of Europe have realised that the European system of human rights is facing serious challenges. The implementation of the reform package adopted by the ministers in May is a matter of urgency. This event forms a worthy conclusion of the Norwegian chairmanship, which started when the reform package was adopted”.

For further information, please see our special file: <http://www.coe.int/ECHR-reform>.

(*) Today, Protocol No. 14 was signed by Albania, Austria, Bosnia and Herzegovina, Germany, Lithuania, Moldova, Monaco, Poland, Serbia and Montenegro and Ukraine, and ratified by Denmark, Georgia, Ireland and Norway.

Reinforcing the unity of Europe is the first priority of the new Polish Chairmanship of the Council of Europe

Strasbourg, 10.11.2004 – “Strengthening the unity of the whole European continent, after the enlargement of the European Union will be one of the major priorities of the Polish Chairmanship”, declared Polish Foreign Minister Włodzimierz Cimoszewicz, new Chairman-in-Office of the Organisation’s Committee of Ministers, at a meeting with the press in Strasbourg.

The Summit of Heads of State and Government, which will be held in May 2005 in Warsaw, will provide an opportunity not only to reinforce the European democratic unity, but also to strengthen the political role of the Council of Europe in the European institutional architecture and to reiterate the Council’s commitment in favour of the most basic values, he added.

Promoting intercultural dialogue as a precondition for tolerance and conflict resolution, as well as developing local democracy and trans-border co-operation are also among the priorities of the Polish Chairmanship.

Den Parlamentariske Forsamlings vedtagelser på mødet i Den Stående Komité (Warszawa, 23. november 2004):

REC 1684 + RES 1411	Implementation of decisions of the European Court of Human Rights
REC 1685 + RES 1414	Persons unaccounted for as a result of armed conflicts or internal violence in the Balkans
REC 1686	Human mobility and the right to family reunion
REC 1687	Combating terrorism through culture
REC 1688	Diaspora cultures
REC 1689	Hunting and Europe's environmental balance
RES 1408	Situation in Western Sahara
RES 1409	Parliamentary contribution to the implementation of the Stability Pact in South-East Europe
RES 1410	Repayment of the deposits of foreign exchange made in the offices of the Ljubljanska Banka not on the territory of Slovenia, 1977-1991
RES 1412	Progress of the Assembly's monitoring procedure
RES 1413	Avoiding electricity blackouts in Europe

Council of Europe Anti-Torture Committee publishes report on Sweden

Strasbourg, 18.11.2004 - The Council of Europe's Committee for the prevention of torture (CPT) has published today the [report](#) on its third periodic visit to Sweden in January/February 2003, together with the [response](#) of the Swedish Government. These documents have been made public with the agreement of the Swedish authorities.

During the visit, the CPT's delegation received no allegations of ill-treatment by the police from the detained persons it interviewed. However, the report raises questions as regards the effectiveness of the investigation into complaints lodged against the police and involving allegations of assault by police officers. In their response, the Swedish authorities refer to a number of proposals designed to strengthen the existing complaints mechanism.

Despite legislative changes in recent years, the CPT's report finds that the imposition of restrictions on remand prisoners' contact with the outside world and other prisoners continues to raise a number of issues in practice. The Swedish authorities' response indicates that prosecutors in Gothenburg have been made aware of the Committee's concerns and instructed to comply with the relevant provisions when imposing such restrictions.

The report also draws attention to allegations received at the Bärby Home for Young Persons concerning the excessive use of force to control violent or recalcitrant residents. In their response, the authorities highlight that additional guidelines on the use of physical force have been drawn up and distributed to all institutions for young persons.

Afgørelse i nordiske menneskerettighedssager

- 16. november Karhuvaara and Iltalehti v. Finland (no. 53678/00): violation of Article 10 (freedom of expression)
- 16. november Selistö v. Finland (no. 56767/00): violation of Article 10 (freedom of expression)
- 16. november Bruncrona v. Finland (no. 41673/98): violation of Article 1 of Protocol 1 (protection of property)
- 23. november Puolitaival v. Finland (no. 54857/00): no violation of Article 6 § 1.

Kalender december 2004

- 29.nov- 3. Møde: Bern-konventionen om beskyttelse af vilde dyr og planter fylder 25 år
- 1.-2. Ministerkomitéen
- 2. Parlamentarisk høring: Education and religion (Paris)
- 8. Ministerkomitéen
- 9-10. Møde: Den Europæiske Kulturkonventions 50 års jubilæum (Wroclaw)
- 10. Parlamentarisk seminar: The role of the opposition in a democratic parliament (Stockholm)
- 13.-14. Conference: The European Year of Citizenship through Education 2005 (Sofia)
- 15. Ministerkomitéen

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